United Nations A/HRC/WG.6/32/AFG/1

General Assembly

Distr.: General
13 November 2018

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-second session
21 January–1 February 2019

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Afghanistan

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GE.18-19208(E)

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Abbreviations

AGO	Attorney General Office
AIHRC	Afghan Independent Human Rights Commission
A-SDGs	Afghanistan Sustainable Development Goals
CFT	Counter Financing of Terrorism
DiREC	Displacement and Returnees Executive Committee
EVAW	Elimination of Violence against Women
GoIRA	Government of the Islamic Republic of Afghanistan
HDC	High Development Council
HPC	High Peace Council
ICC	International Criminal Court
IDLG	Independent Directorate of Local Governance
IEC	Independent Election Commission
MoD	Ministry of Defense
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoHE	Ministry of Higher Education
MoHRA	Ministry of Hajj and Religious Affairs
MoIC	Ministry of Information and Culture
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLSAMD	Ministry of Labor, Social Affairs, Martyrs and Disables
MoPH	Ministry of Public Health
MoRR	Ministry of Refugee and Repatriation
MoU	Memorandum of Understanding
MoWA	Ministry of Women Affairs
MoRRD	Ministry of Rural Rehabilitation and Development
NDS	National Directorate of Security
NGO	Non-Governmental Organizations

I. Introduction

1. The Government of Islamic Republic of Afghanistan (GoIRA), in accordance with its national and international commitment is obligated to the implementation of international human rights conventions as well as its reporting to the international monitoring mechanisms. One of the important monitoring mechanisms of United Nations is the Universal Periodic Review (UPR).

A. Process for the preparation of the report

2. Upon receiving the recommendation from 2nd UPR cycle in 2014, the Afghan Ministry of Justice (MoJ) as a responsible entity is tasked to disseminate the report for all afghan government departments and hold seminars and workshops for all line-ministries throughout the country to realize the human rights values. MoJ during 2014–2016 conducted 9 national programs on awareness raising and consultancies for all relevant government departments. Furthermore, AIHRC as a National Human Rights Institute play vital role in awareness raising and holding trainings on human rights issues for all walk of society in all provinces of Afghanistan. Reporting of international human rights instruments is being prepared in a broad consultation including various government departments, AIHRC and national and international NGOs. An action plan was developed, which tasked the relevant ministries to implement the recommendations under the strict supervision of the Justice of Ministry.

3. The GoIRA presents its 3rd cycle report, based on the Human Rights Council's guideline (A/HRC/DEC/17/119). Furthermore, this report is focusing on the implementation of the recommendations, that Afghan government received after submitting its 2nd cycle report in 2014 and Afghanistan's voluntary pledges[1] that was placed during the candidacy in the Human Right Council. To prepare this report, the Afghan government has formulated three national committees to address the reporting to UPR as following:

- **Steering Committee:** Steering Committee is a leading body in reporting which inaugurates the reporting process, monitors the process which includes identification of obstacles and provides solution for challenges, and confirms the final report.
- **Technical Committee:** Technical Committee is a representative body composing of 36 members of governmental and non-governmental organizations that take part in assessing and group discussion on implementation of UPR recommendations and data providing for next report. This Committee then reflects the executives' measures of the government's departments in the report.
- **Drafting Committee:** Drafting Committee comprising of some Technical Committee members and reporting desk of human rights and women's international affairs of MoFA and Legal Adviser who are tasked to prepare the draft report based on guideline of reporting issued by the UN.

B. Implementation of recommendations from the previous cycle and voluntary commitments

Cross cutting issues

Legal framework[2]

4. The Afghan government established 8 Development Councils, under the direct supervision of the Afghan President. The Councils are the highest decision making bodies within the State which coordinate the activities of all government entities in different sectors. The Council for the Rule of Law and Anti-Corruption is established in 2016 to reform the judicial system, strengthen the rule of law, observe the human rights, increase the access to justice and fight the corruption.

5. A wide range of legal changes took place in Afghanistan from 2014 to 2018 which led to following achievements:

2014:

- Criminal Procedure Code
- Children Guardianship Law
- Law on Prevention of Financing Terrorism
- Law on Money Laundering and Crime Proceeds
- Law on Structure of Jurisdiction of Especial Courts
- Mineral Law
- Law on Population Statics Registration
- Law on Commercial Contracts and Selling Property
- Law on Regulating Affairs Related to Acting Ministers and Directors of State Departments

2015:

- Law on Mourning Ceremonies
- Law on Geographical Signs of Production Points
- Law on Telecommunications Taxations
- Law on Military Higher Education Institutions
- Law on Passport
- Law on Banking of Afghanistan
- Law on Taxation Affairs Administration
- Law on Regulating Salaries of Governmental Officials
- Law on Travel and Residence of Foreign Citizens in Afghanistan
- Law on Civil Higher Education

2016:

- Power Services Regulation Act
- Law on Added Value Tax
- Law on the Rights of Members of Scientific Cadre of Legislative Affairs and Academic Legal Researches Institute and Other Similar Professional Cadres
- Law on Food Security
- Annex 1 to Criminal Procedural Code on Terroristic and Crimes Against National and Foreign Security
- Law on Procurement
- Law on Public and Private Participation
- Law on Regulation Affairs of Red Crescent Society(Afghani Red Crescent Society)
- Plant Variety Protection Act
- Animal Health Act (Veterinary)
- Agricultural Pesticides Act
- Law on Protection of Commercial and Industrial Secrets
- Law on Trade of Foreign Merchandise
- Law on Support of Design of Making Integrated Axises

- Customs' Act
- Law on Consumer Protection
- Law on Granting State Properties
- Law on Protection of Plants and Quarantine
- Law on Nuclear Energy
- Law on Processing Manner of Publication and Enforcement of legislative Documents
- Law on Anti-human and Emigrants Trafficking
- Election Law
- Law on Protecting the Rights of Author, Writer, Artist and Researcher (Copyright)
- Law on International Treaties and Conventions

2017:

- Law on Protection of Inventor and Discoverer Right
- Law on Managing Land Affairs
- Law on Personnel Affairs of Officers, Lieutenants and Sergeants
- Law on Expropriation
- Law on Protection of Domestic Industries
- Law on Urban Development and Housing
- Law on Wedding Ceremonies
- Law on Issuance of Legislative Decree
- Law on Prohibition of Torture
- Law on Gatherings, Strikes and Demonstrations
- Law on Declaration and Registration of Assets of State Officials and Employees
- Law on Prohibition of Harassment Against Women and Children
- Law on Combating Against Drugs and Narcotics

2018:

- Penal Code
- Annex (2) to Criminal Procedure Code on Implementation of Alternative to Imprisonment and Detention
- Law on Limited Liability Companies
- Insolvency Law
- Law on Managing Livestock Affairs
- Law on Regulating Flights of Military Aircrafts and Helicopters of Foreign States in the Air Territory of the Country
- Road Transport Law
- Law on Obtaining Rights
- Access to Information Law
- Administrative Procedure Law
- Social Protection Law
- Law on Cooperation with ICC
- Anti-corruption Law

- Whistleblowers Protection Law

6. In drafting and passing the above listed laws, all the international conventions which Afghanistan is a party to, have been incorporated.

7. Furthermore, Afghanistan has amended 30 more laws since 2014, and drafted Child Protection Law, Family Protection Law and Migration Law, to be passed by the Parliament.

8. In addition, since 2014, the Afghan Government has enacted the following regulations:

- Regulation on Management of Procedures Relating to Prevention
- Of Funding Terrorism
- Regulation on Bed and Surrounding of Water Resources and Water Infrastructures
- Regulation on Management of Detention Centers' Affairs
- Regulation of Extradition of Suspects and Accused and Transference of Convicts.
- Regulation on Support of Human Rights in Governmental Administration
- Regulation on the Privileges of Health Staff at Risk
- Regulation on Establishment and Activity of Private Mass Media
- Regulation on Evaluation of Environmental and Social Impacts
- Regulation on Managing Affairs Related to Unofficial Urban Estates
- Regulation on Women's Shelters

9. Besides, GoIRA has ratified the following international human rights instruments, since 2014:

- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in 2015;
- Convention on Certain Conventional Weapons, in 2016;
- Convention on the Transfer of Sentenced Persons, in 2016;
- Optional Protocol to the Convention against Torture, in 2018.

New penal code[3]

10. The new Penal Code was enforced by the President through a legislative decree in February 2018, which includes new crimes such as terrorism, cyber-crime, crimes related to elections, corruption, crimes of ICC statute and so on.

11. Reforming the Criminal Justice, the new code introduces alternatives to imprisonment and detention. As well as, the code has removed permission of honor killing to prevent arbitrary and illegal murders.

12. Death Penalty: the new penal code significantly reduces the number of crimes to which the death penalty applies. Most crimes that were punishable by death in previous penal code are now punishable by life imprisonment in the new penal code.

13. In addition, in 2018, the Attorney General has established a Special Committee to Review Cases of Death Penalty. The committee re-reviews each case of death penalty to ensure that all the required standards of a fair trial is considered. As of October 2018, the cases of death penalty have been reduced to 50%.

14. Furthermore, the Afghan President established a commission to review the cases of prisoners on death row. Following fact finding of the commission, they proposed to the president to change death penalty to life imprisonment.

Implementation of Millennium Development Goals and Sustainable Development Goals[4]

15. Despite the challenges, the GoIRA has significant achievements on the MDGs. These achievements are developing public primary education; gender equality; women's

empowerment; reducing infant mortality; improving mother's health and combating polio, malaria and other epidemic diseases.

16. Afghanistan as a member of international community has been committed in the implementation of the SDGs. Therefore, GoIRA has drafted two national documents as document of localization of SDG and adaptation framework of SDG in 2018. In addition the GoIRA has prepared the SDG implementation plan. This plan will implement the SDG in three phases as follows:

- First phase: Localization of the SDGs
- Second phase: Adapting the SDGs with the national plans and programs
- Third phase: Implementation, monitoring and reporting.

17. To coordinate the activities of all relevant entities towards implementing the SDGs, the GoIRA has established an executive committee within Chief Executive Office of the government and a secretary within the Ministry of Economy. The committee has four technical working groups: Security and Governance; Agricultural and Rural Development; Health, Education, Environment and Social Protection and Economic and infrastructure development.

18. The Ministry of Economy as a lead ministry is responsible for coordination, implementation, monitoring and evaluation of SDG and reports annually to Afghan High Council of Ministers and then to UNGA. So far 4 reports have been presented.

Cooperation with ICC[5]

19. The New Penal Code criminalized 4 of crimes as genocide, crimes against humanity, war crimes and aggression preserved in the Rome Statute (in its article 332 – 343). Furthermore, in 2018, the Law for Cooperation with ICC has been enforced through legislative decree by the GoIRA. To facilitate the cooperation between Afghan government and the ICC. In addition a commission consist of a technical group led by Vice President was established in 2015, for collaboration with the visiting ICC delegation and channeling the communications with the Court. AGO and AIHRC submitted information regarding violation of crimes recognized under ICC Statute to this commission for further collaboration with ICC delegation.

Combating terrorism and funding it[6]

20. Afghanistan's Constitution in article 7 obliges the State to prevent all kinds of terrorist activities in its territories. To realize this aim GoIRA has passed the Law on Prevention Financing of Terrorism (PFT) in 2014, as well as to implement the International Convention for the Suppression of Financing Terrorism and other UN relevant international documents.

21. In addition to PFT law, as well as the new Penal Code Art. 263 – 283 prohibit terrorist activities and financing of that. It includes, suicide attacks, crimes against persons, use of explosive or lethal devices, dissemination or destruction of nuclear or radioactive materials, destruction of infrastructure, acts against airports, ships or fixed platform safety, control over an aircraft or ship, hostage taking for terrorism purposes, establishment of terrorist organizations and its membership.

II. Protection and promotion of human rights[7]

22. Article 6, 7 and chapter 2 of the Afghan Constitution oblige the State to observe, promote and protect human rights.

Afghan Independent Human Rights Commission[8]

23. Since 2018, AIHRC has an independent budget unit in the Afghan National Budget. It receives 18% of its budget from national budgetary system.

24. The (AIHRC) is mandated to protect and promote human rights situations across the Islamic Republic of Afghanistan. The AIHRC's main objectives are to monitor and verify human rights violations and to take appropriate measures in tackling the drivers of such violations.

25. The selection process of membership to AIHRC is based on Paris Declaration, AIHRC Mandates and Structure Law. All applicants who applied for the membership will be interviewed by board of selection consisting of civil society. From all applicants, 27 candidates will be selected by this board, then referred to President Office, from which 9 Commissioners will be selected for period of 5 years. Among them, 4 members shall be female.

Human rights units within state structure[9]

26. The GoIRA protects and promotes human rights by strengthening and establishing human rights units within the power structures as following:

- Legislative Power: the Commission on Women affairs, civil society and human rights in the Parliament;
- Judiciary Power: Division of Violence Against Women and Children in the Supreme Court review all cases of women and children rights violations;
- Executive Power: in all ministry of Afghanistan there is unit for promotion and protection of human rights across the country.

Legal Aid Department of the MoJ[10]

27. Among legal aid organizations, the GoIRA, in 2018, with assistance of IDLO has established the Afghan Legal Aid and Advocates Network (ALAAN). The aim of this network is to coordinate and unify activities of all relevant organizations, as well as to prevent duplication of cases. ALAAN holds regular monthly meeting to share information and identify priority areas for legal aid lawyers. For better functioning, the MoJ legal aid department, beside creation of 30 new positions, recruited legal aid lawyers, who are working on a draft National Policy.

28. Furthermore, the MoJ is running project of Legal Aid Grant Facilities (LAGF) which provides legal aid and works on capacity building of legal aid providers. So far, this project has provided legal aid for 11031 cases.

Human rights as part of educational curricula[11]

29. To promote awareness of human rights and facilitate sustainable change, the MoE has established a committee consists of representatives of AIHRC and other entities, for developing educational curricula by including human rights subjects and removing issues contrary to international human rights standards. So far, 116 titles books have been reviewed in cooperation with the AIHRC. As well as the MoHE included human rights subjects into all governmental and non-governmental universities and military academies curricula.

Strengthen human rights knowledge of law enforcement departments and judiciary system[12]

30. To strengthen the knowledge of law enforcement departments as well as the judiciary system, several trainings have been conducted. The AIHRC has been largely engaged in providing trainings for governmental officials, ANSF members, judges and prosecutors on human rights issue.

31. AIHRC conducted 32 educational seminars, 436 workshops to security forces, civil society and judicial institutions regarding human rights topics from 2014-2018. Moreover, it conducted two Conferences on Human Rights for Police Officers.

32. The MoI held 196 workshops for 5443 Police officers (1505 women) from 2015-2018, in Kabul and Provinces to educate police officers about torture prevention and human rights as well as, MoI held 115 training workshops for employees of family settlement units from 2013 to 2018.

33. In 2014, AIHRC and MOI have signed an MoU to train police officers in human rights subjects, particularly women rights and children. So far, 1200 police officers have received human rights education.

34. In 2017, AIHRC signed an MoU with MoD to educate the young officers and soldiers on the International Humanitarian Law, children and armed conflict, human rights, rule of engagement and protection of public places like schools, mosques and hospitals. Until 2018, more than 886 officers and soldiers have received the mentioned subjects, of which 150 are women.

35. To manage the penitentiary system based on human rights norms and standards, a training center has been established by MoI to train all personnel of prisons.

36. MoWA, as secretary of and in collaboration with all members of National High Commission on EVAW, has conducted awareness raising workshops about women rights as well as prohibition of violence against women and girls for 595 governmental and non-governmental employees in the capital and provinces during 2014–2015.

Cultivate and develop a culture of human rights among citizens[13]

37. To educate the public with human rights values, several trainings and awareness raising campaigns have been held by the government and non-governmental organizations during 2014-2018, as followings:

- MoJ has conducted 95 trainings for 2,164 individuals (1,612 men and 552 women) since 2013. It has also conducted training through its Legal Aid Department in different provinces on women and children rights.
- In 2018, the MoJ carried out awareness campaigns through 21 radio channels in 17 provinces. They broadcasted 9,100 episodes during 6 months.in 2014, 505 awareness programs; in 2015, 600 awareness programs and in 2016, 1,630 awareness programs have been produced and broadcasted by MoJ
- The MoHRA organized workshops for religious scholars on the social status of women, their right to education, right to choose their husband, violence against women and children rights. Furthermore, MoHRA printed 2,214 books in 2017–2018 about women rights in Islam and 2,000 books about "bad customary practices". They are also publishing monthly brochure on human rights topics.
- The AIHRC conducts a 15-day campaign each year on human rights. From 2014–2018, they conducted 2,754 trainings for illiterate and semi-illiterate individuals. AIHRC have printed 25,000 brochures, posters, and guidelines for children.

38. The national radio and television as long reach medium of communication promote human rights for all citizens, particularly in rural areas. Programs and short awareness videos are being broadcasted in the field of human rights, reduction of violence against women, elections, and women rights in Islam.

Engagement with national, regional and international partners[14]

39. Afghanistan was elected member of the Human Rights Council for the period of 2018–2020.

40. The GoIRA works toward contributing to the full implementation of the mandate of the Human Rights Council,[15] and strengthen its capacity.[16] It is fully committed to continue its cooperation with the UN and other international organizations, which includes sharing good experiences and practices with other countries as well as to support to fight against human rights violations.[17] High level delegations are taking part in the Human Rights Councils sessions such as the CEO Dr. Abdullah at the 37th session and General Attorney Hamidi at the 38th session in 2018.

41. The GoIRA has welcomed all special procedures mandate holders in recent years.[18] A standing invitation to members of Human Rights Council has been announced on 15 August 2017 to visit Afghanistan at a mutually convenient time.[19] From 2014 -2018, the following were invited: In November 2014 the Special Reporter on violence against women, its causes and consequences; in February 2016, the Special Representative of the Secretary-General for Children and Armed Conflict; and in October 2016, the Special Reporter on the human rights of internally displaced people, and the GoIRA invited Special Reporter for human rights defenders and education rights in 2017. The GoIRA furthermore welcomes request of special reporters. The visit of the reporter for Arbitrary Detention is being prepared for 2020.

42. Following dialogue between EU and Afghanistan on Human Rights which continued on bilateral cooperation on various subjects of human rights since 2018. They have entered a new stage in their bilateral relations in the Framework of Cooperation Agreement on Partnership and Development(CAPD). Under this agreement both sides had frank dialogue about important topics related to human rights, good governance and migration.

43. Human trafficking is a global challenge which claims 1 to 2 million persons worldwide. Around 225,000 children and women are victims of trafficking in South Asia region. South Asian Association for Regional Cooperation (SAARC) has made certain efforts to combat human trafficking at the region. As human trafficking is a cross border issue tackling with and finding out solution rests on common cooperation among all regional and global countries. Afghan government, as SAARC member and party to trafficking, collaborates with all regional countries to combat common challenges.

Afghanistan reporting status

44. Based on monitoring mechanism of international human rights conventions, GOIRA is obliged to submit its periodic reports on implementation of human rights conventions to the UN monitoring committees. It has submitted the Second Periodic Report on implementation of CAT in 2015, Midterm Report on CAT in 2018, and the Second to Fifth Periodic Report on CRC in 2018. The Third Periodic Report on CEDAW, the Initial to Second Periodic Report on CERD, the 2nd to 16th Periodic Report on CRPD, and the Initial Report on CRC 2 Optional Protocols will be submitted till the end of 2018.

45. The GoIRA strongly believes that the realization of human rights obligations requires a constant dialogue with the civil society and other stakeholders.[20] Therefore, the GoIRA continues to foster genuine participation and meaningful involvement of civil society and human rights defenders in the promotion and protection of human rights.[21] The GoIRA provides healthy environment for activities of all national and international organizations to promote and protect the human rights. During preparation of the national report, GoIRA invites the non-governmental organizations to contribute in government reporting, as well as they write and submit their own shadow reports.[22]

46. The GoIRA furthermore, welcomes the recommendations of UNAMA and other international organizations reports and takes them under serious consideration for further actions.

47. The GoIRA is advocating for the establishment of regional human rights mechanisms within SAARC to promote and protect human rights in the region.[23]

III. Civil and political rights

A. Fundamental freedoms

Freedom of religion[24]

48. Art 2 of the Afghan Constitution states that "Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals".

49. According to the Art. 323–325 of the Penal Code, the acts of insulting religion, disturbance of rites and attack to followers of any religion through words or actions are prohibited.

50. A Law on religious minorities has been drafted by MoJ to protect their rights and freedom.

Freedom of expression[25]

51. According to Article 34 of the Afghan Constitution, freedom of expression shall be inviolable.

52. The Public Media Law states that no censorship is allowed. The fact that we have more than 60 TV stations and newspapers, which are working without any censorship, underlines the importance of freedom of expression for the GoIRA. Afghanistan also has no journalists imprisoned.

53. The Access to Information Law from 2017 ensures that every citizen is able to receive information from government intuitions, as long as they are not classified. This law would help to build trust in government, transparency and fight corruption. A commission which monitors the implementation of access to information law has been established.

54. A system for information sharing on threats to media outlets and individual journalists has been established. The Journalist's Safety Committee for protection of journalists were created in 2017 under the leadership of the Vice President. It has followed up more than 1000 old cases of violence against journalists, which have been submitted to responsible government organs. Since 2017, 50 new cases have been investigated by members of the Committee.

55. The GoIRA is committed to ensuring a safe working environment for individuals engaged in the promotion and protection of human rights.

B. Rule of law and good governance[26]

Functional and independent judiciary[27]

56. Art. 116 of the Constitution state that "The judiciary shall be an independent organ of the state of the Islamic Republic of Afghanistan."

57. GoIRA initiated a number of judicial reforms since 2016 to amend the structure and human resources of judicial system. According to this initiative, the structure of judicial system shall be reformed, all laws and regulations shall be reviewed and amended according to the Constitution, the capacity of human resource shall be upgraded, anti-corruption program shall be in place, and transparency and accountability programs shall be implemented.

58. The Supreme Court created a High Committee for Judicial Appointment. This committee is responsible for new appointments and replacements of judges for further transparency and accountability.

59. GoIRA has established the Case Management System with assistance of the Justice Sector Support Program (JSSP), to manage all judicial cases, create accountability and transparency within judicial system, protecting case confidentiality, make coordination among law enforcement agencies and accelerate the proceeding of the cases.

60. For more transparency, the Supreme Court releases information about all final decisions on cases; it publishes two magazines and a bulk in in English.

Human rights of prisoners and detainees[28]

61. The GoIRA works towards maintaining justice and preventing torture of prisoners and detainees. It took further measures to uphold human rights of prisoners by enacting the law on prisons and detention centers, regulation on detainees and detention centers and currently it works on 4 years Strategy (2018–2021) to standardize all confinement facilities.

62. To protect the rights of prisoners and detainees, GoIRA has established the High Council of Prisons on the Secretariat of MoI, Department of Monitoring of Prisons and Detention Center within AGO, and Office of Human Rights in all prisons in Kabul and provinces. In addition, MoWA established a commission for reviewing cases of imprisoned women.

63. The Department for monitoring detention centers at the AGO is currently working 24/7 and visiting detention centers without any pre-notice.

64. The Department of Human Rights, Women Affairs and Children at MoI is responsible for monitoring the situation at prisons, including female detention centers. The MoI is under legal obligation to monitor and report the situation of mistreatment and torture at detention centers. Based on this monitoring procedure, 9 police officers were punished in Nimroz and Herat in 2017. These institutions offer literacy and human rights classes for detainees.

65. AIHRC has an agreement with Afghan Security organs, based on which they are able to meet detainees on a regular basis. Each year they meet about 2000 detainees and receive information about their living condition. From 2014–2018 they have visited different detention centers all over Afghanistan more than 4000 times. Confinement facilities and Police Units are being further monitored by AIHRC to prevent torture. Police officers who are suspect in torture and ill treatment of prisoners and detainees, had been introduce to the AGO for further investigation.

Prevention of torture[29]

66. Article 29 and 30 of the Afghanistan Constitution prohibits torture, inhuman treatment and cruel punishment and dismisses any confession obtained as a result of torture.

67. The provisions of the Convention against Torture have been incorporated in the Afghanistan new Penal Code. The Law on Prohibition of Torture was enacted in 2017, which based on its article 11 the GoIRA obliged to create the Commission on Prohibition of Torture. In 2018, the GoIRA acceded to the Optional Protocol to CAT without any reservation. From 2016-2018, 783 cases of torture have been registered from which 643 being under legal persecution.[30]

Anti- corruption[31]

68. The GoIRA is committed to fight corruption. The new Penal Code incorporated the provisions of the United Nations Convention against Corruption and punishes the perpetrators (articles 370 to 460). An Anti-Corruption Law and a Whistle Blowers Protection Law are drafted which will address the specific issues and protect the people who report the corruption cases of government officials.

69. The HDC for Rule of Law and Anti-Corruption is responsible for overseeing two National Priority Programs (NPP), the Justice Sector Reform Program and Effective Governance Program. Among the most important achievements of the HDC in 2017 were the adoption of the Anti-Corruption Strategy (on 28 September 2017) and the adoption of institutional reform plans under the overall Justice Sector Reform Plan (on 22 June 2017).

70. The Afghanistan National Strategy for Combating Corruption sets five priorities: (1) Provide political leadership and empower reformers; (2) Eliminate security sector corruption, especially in the Ministry of Interior; (3) Replace patronage with merit in the

civil service sector; (4) Prosecute the corrupt and (5) Follow the money to make funding flows transparent, traceable, and subject to audit under a national charter of accounts.

71. The Anti- Corruption Justice Center has been established on June 2016. It is responsible to investigate high level corruption cases. This center includes a special court, a special prosecution office and a special police unit. Since the establishment of the Center, 373 cases have been investigated and 177 cases have been decided.

72. Furthermore, a department for judicial inspection was established. This Department is responsible for the oversight of judges. Beside this, it has a complaint mechanism, where every citizen can set a complaint against a judge.

73. Based on the Law on Declaration and Registration of Assets of State Officials and Employees, which was adopted by Presidential Decree No. 154, the assets of government officials shall be registered. The Law provides a system for assessment and registration of the assets of high ranking government officials, members of parliament and provincial councils to prevent the misuse and illegitimate enrichment of their assets. Till now 16,142 forms have been distributed and 9,875 have been received completed.

Electoral system[32]

74. The Afghan Election Law has been amended in 2016. A selection committee for election of commissioners has been appointed according to the Election Law. This committee reviewed more than 700 CVs and shortlisted 21 individuals for the IEC and 15 persons for the Electoral Complain Commission. The President, Chief Executive, Vice President, Attorney General and Chief of Supreme Court interviewed the candidates and selected 9 commissioners for the IEC and 5 for the Electoral Complain Commission.

75. The registration process for voters to the upcoming parliamentary and district council elections in October 2018 started on April 2018 and ended by June 2018.

76. Almost 9 million Afghans registered during this period. To ensure every citizen can vote, an MoU has been signed between the IEC and the General Independent Civil Registration Directorate, which shall ensure that 10 million Afghan citizens are getting ID card, to be qualified as voters. To avoid double voting, the voter needs to place his vote at the same center of registration. Election will take place in October 2018.

77. To make the electoral process more inclusive so that all citizens - including women - can exercise their right to vote. MoWA helped in issuing Afghan National Identity Cards (Tazkira) for all women, including the women in shelters, so that they could be eligible for taking part in the upcoming elections.

IV. Economic social and cultural rights

A. Right to access to the health services[33]

78. The GoIRA is fully committed to provide better health service for its citizens, in particular women, children and other vulnerable groups. Article 52 of the Constitution says: "The state shall provide free preventative healthcare for all citizens" It also has developed a National Health Strategy for 2016-2020. To strengthen and develop effective and sustainable practices of the health system for better access to quality healthcare services for all citizens.

79. MoPH has implemented a Health Policy for 2015-2020. The policy covers five areas: Governance (1), Institutional Development (2), Public Health (3), Health Services (4), and Human Resources (5).

80. Other important steps where the development of the National Strategy for Environmental Health, National Strategy for promotion of Sanitation, National Reproductive, Maternal, Newborn, Child and Adolescence Strategy 2017-2021 have been prepared.

81. Additionally, MoPH is committed to comply and implement all relevant international documents such as Global Strategy for Women, Children and Adolescent Health, 2016-2030 and family planning.

82. Expansion of healthcare centers and healthcare services in Kabul and provinces. The followings are some important examples which are being implemented across the country:

- Hospitals such as cancer and tuberculosis centers have been increased from 10 in 2000 to 1937 in 2016. While 84% infected with tuberculosis could be treated in 2001, it has increased to 94% in 2016.
- The MoPH established 924 cente s in 34 provinces for malnutrition children. In 2016, around 162000 children have been treated, who were malnourished.
- To prevent young people contracting by AIDS, a national program for control of AIDS has been conducted. 7100 school students and 3126 university students have been trained on the hazards and risks of addiction and sexual transmitted diseases in 2016.
- Hospitals or Department for gynecology and obstetrics in Parwan, Balkh and Panshir have been established. Also 15000 health councils for men and women, responsible to create awareness among the people who are living in rural areas have been established.
- A department within the MoPH is responsible for production of medication, import of medicine and other health products. This department is also responsible to fight smuggling of low quality pharmaceuticals.
- Afghanistan has 432 health centers, 873 basic health centers, 27 provincial hospitals, 84 district hospital, 9 regional, 30 special clinics, 986 sub health centers and 242 mobile health workers.
- To reach people in remote areas, mobile health centers are being provided until permanent health service will be established.

B. Right to education[34]

83. According to the Constitution, educational law, rules and regulations of Afghanistan, all children, (including orphans, disabled children, children of returnees and IDPs), without any gender discrimination are entitled to enjoy free education up to the undergraduate level.

84. The MoE has developed its third National Education Strategic Plan (2017–2021) with its main goals: (1) Provision of pre-school education (50% of which is for girls), Provision of local educational classes and accelerated education for children left out of school (50% of which is for girls) (2) Increasing the ratio of girls' admission to technical and vocational institutions from 17% in 2015 to 26% by 2021 (3) Conducting on job trainings for newly recruited female teachers as well as provision of literacy courses for women and raising it from 60% to 100% by 2021 (4) Increasing the number of female literacy students from 53% in 2015 to 60% by 2021 and provision of emergency educational programs for children of IDPs and Repatriates. (50% of which is for girls) (5) Launching awareness raising programs on the importance of education for girls, provision of financial incentives and stipends for female teachers during on-job trainings (6) Provision of pre-work courses for female students and provision of Master's degree education for the instructors of teacher training institutions that include women (7) Provision of health services in the schools for both male and female and provision of literacy classes across the country aimed at increasing the rate of female admission in the literacy courses from 53% to 60% by 2021 (8). Increasing percentage of female teachers in Schools to 34%.

85. Beside this, MoE has different policies, such as Local Education Policy, Inclusive Education Policy, Pre – School Education Policy, Regulation on Home-Schooling Policy that facilitate the schooling of children.

86. The official statistics of the MoE states, the number of school students in Afghanistan, including private and public schools, reached 9,234,459 persons, of which 5,703,160 are boys and 3,531,299 are girls.

Women and girl education[35]

87. A national policy for girl education has been drafted by the MoE. This policy focuses on delivering quality education and awareness campaigns among the public.

88. The MoHE implemented a Strategy and Regulation which deals with women education in particular. Through these documents, women quota has been introduced, which is that 24% of all university students are girls in 2017.

Literacy and non-formal education

89. Literacy and non-formal education initiatives are being implemented by the GoIRA. The literacy committee, under the lead of the Vice-President, reflects the importance of literacy for the GoIRA. The national Literacy Strategy drafted by the Literacy Department of the MoE, consider the literacy goals set in the National Education Strategic Plan.

90. In the field of adult education, the GoIRA established a number of courses to educate the older generation: 16,697 literacy courses have been taken place, where 346,564 persons were taught to read and write. 144,816 adults have completed an intensive class. 57 % of them were females. 357 vocational training for 69,180 persons have taken place, 18 % of them were also females.

Education in rural areas[36]

91. The GoIRA tries to equalize the educational gap between urban and rural areas. More than 6,000 temporary classes with a small number of students have been established in 29 provinces in remote areas to ensure access to school for all children. 144,816 students (57 % of them are female) are being taught in these classes.

92. 3,000 female teachers have been sent out to remote areas to educate girls. The MoE special educational program named IQRA, enhances access to education and ensures the quality of education in 17 remote provinces, which are classified as low-level education areas for children, particularly girls.

School security[37]

93. The MoE has an operation plan, which includes school security. According to this plan, the MoE seeks the cooperation of all police Headquarters in Afghanistan in case of security challenges.

94. School Councils have also been established at all schools for safety and security of students and schools. It consists of 15 members, including teachers which monitor the security challenges and report to security force in case the need arises.

C. Right to an adequate standard of living

Poverty reduction[38]

95. The GoIRA Strategy towards poverty reduction follows two approaches. The Afghanistan National Peace and Development Framework (ANPDF) 2017-2021 works towards the improvement of growth and productivity with specific programs to help the poor to improve their skills and have better access opportunities to economic means, improved food security and better policies are the bottom-line pre-conditions for successful poverty reduction.

96. The GoIRA has established the Development Council of Infrastructure and High Council of Poverty Reduction in 2017 for implementing national programs of welfare, economic development, job creation, and utilization of natural resources, food security, and

other measures aiming at poverty reduction and finding out its root causes and reporting to the Afghani President.

97. Another mechanism is the Citizens' Charter National Priority Program, which was launched by the Afghan President in 2016. It will ensure the delivery of a basic package of services for 1/3 of the population by 2026. The Citizens' Charter aims to build united villages, neighborhoods and cities. In addition, it improves the relationship between the Government and its people by reducing poverty and providing basic services for all. It will ensure that all men, women, and children are included in the development initiatives and activities. Communities themselves will participate in planning, monitoring and implementation of project.

98. Based on community-led prioritization and gap analysis, communities will have at least one of the following: Basic electricity from renewable sources in remote areas which cannot be reached by the grid system; Basic roads to increase village to market access; or Small-scale irrigation and drainage infrastructure.

Economic and social development[39]

99. The HDC for Economy was formally established by Presidential decree number 20 on April 14, 2016. It facilitates coordination in development and implementation of economic and development programs and policies, reform measures for economic welfare and growth, budget formulation according to reform programs and government priorities, assistance with private sector, attracting investments in different sectors and regulation of foreign and domestic investments.

100. IDLG implemented a National Local Governance Policy. This policy shifts the authority of implementation of government programs and projects directly to the local government, which shall be responsible for the implementation by its own. Therefore, 8 zones have been established, which are being led through a rotation system by one governor, one head of district and one mayor at a time.

V. Specific groups[40]

A. Women[41]

Discrimination against women[42]

101. Art. 22 of the Constitution states that "... The citizens of Afghanistan, man and woman, have equal rights and duties before the law." Art. 218 and 409 Penal Code prohibits the Discrimination in Administration.

102. The existing Labor Law includes privilege for women such as a reduction to 35 working hours for pregnant women, a 3-month paid leave after delivery, no right of termination for pregnancy reason, and women are prohibited extra working hours, hard work and night shift.

103. The Gender Strategy of the GoIRA prohibits discrimination against women and rests on five pillars, each grounded in a cross-government action program: (1)Implementing global commitments on human rights, security, and freedom from domestic violence for Afghan women; (2)Ensuring full access to education and health services, including higher education; (3)Launching the Women's Economic Empowerment National Priority Program; (4)Securing the constitutional rights for women through the full execution of the laws; and (5)Advancing women in government and business.

104. The 2016 Anti-Women's Harassment Law prohibits any form of discrimination against women in offices and public places and provides specific measures to support the victims. Almost all Ministries drafted or implemented an Anti-Harassment policy.

Violence against women[43]

105. The Criminal Procedure Code 2014 and Penal Code 2018 have been ratified. Discriminatory human rights violating elements have been taken out and new provisions regarding protection of women's rights were included. The criminal procedures law enriches specific provisions on the victim's rights and protection of evidence. Beside the new penal code, the EVAW Law still remains enforced and the cases related to violence against women will be reviewed in accordance with this specific law.

106. Different measures for better implementation of the EVAW[44] Law have been taken in to account. These measures include the establishment of institutions, policies, regulations, training of judges, prosecutors, police, and other relevant employees as well as legal awareness campaigns for citizens. The AGO plans to draft a National Action Plan for the Implementation of EVAW Law in near future.

107. Following mechanisms are in place:

- Monthly meetings of the EVAW high commission and provincial commissions of all 34 provinces to monitor critical areas. Findings are being submitted to the relevant government departments and the President's office. Establishment of 28 women's shelters centers in Kabul and 20 in different provinces.
- Establishment of special units at all 34 Provincial Office of Attorney's for EVAW cases. In 31 provinces, units are just being led by women.
- Establishment of special EVAW units at the Supreme Court in Kabul and 15 provinces.
- Legal assistance centers and family dispute resolution units were established in 34 provinces under the police headquarters framework.
- A mediation department has been established at the AGO to mediate in family matters.
- The Supreme Court established special courts for EVAW cases in 22 provinces. Till 2020 all provinces will be having a special court for EVAW cases.
- A telephone hotline has been established for women and children in case of violence.
- On 11th of July 2016, the MoI established a complaint mechanism to prevent and respond to sexual harassment against women police officers.

Investigation of gender-based violence[45]

108. The AGO established a Deputy AGO for Elimination of Violence against Women & Children, which is led by a woman. This office has two sub-departments responsible for reducing violence against women and for its social consultants. Another department deals with women rights, victims and witnesses with help of IDLO.

109. The Afghanistan AGO established a monitoring mechanism on the implementation of EVAW law within its offices.

110. With support of IDLO the AGO established a database within the Deputy AGO for EVAW. This database includes all activities of prosecutors, the case itself and the work which has been done so far. Through this database, the Deputy GA can monitor his employees and held them accountable if needed.

111. Between 2014 and 2018, 5921 cases have been investigated. 4840 cases of violence against women have been addressed in the three-layer courts of the country based on the provisions of EVAW.

Women's empowerment[46]

112. The MoWA continues its efforts to place gender equality and women's empowerment in all national documents to reflect women's requirements. Therefore, in addition to the National Action Plan for Women, it has drafted for the first time a five-year

strategic plan for the period 2018–2022. It highlights the priorities of the Ministry and predicts the required resources and facilities. 2,228 Women received assistance from the MoWA for small businesses.

113. The creation of the Women Chamber of Commerce improves women's access to markets.

114. MoIC established a department for women's entrepreneurship and drafted a 5-year Plan from 2018–2022 for the empowerment of women entrepreneurs in the private sector. To improve women's empowerment, MoIC supports special exhibitions for women inside and outside Afghanistan, where women can exhibit their products. Furthermore, MoIC supports conferences In Kabul and several provinces on development and improvement of women's private entrepreneurship, where women can address and discuss problems and challenges they face to find a solution. MoIC designed a 5-year project, dealing with import and export of women products, enhancing the quality and design of Afghan products, and branding (made by Afghan Women). It is planned that 5,600 women shall receive support during this 5-years period. To support women in trade, small grant are being given to women to start their businesses or they are being given land in industrial parks. Furthermore, they are being provided support in access to raw material and benefit from a tax reduction.

115. MRRD shall ensure social, economic, and political welfare of rural society, especially poor and vulnerable people, through the provision of basic services, strengthening local governance, and promoting sustainable livelihoods. It created the Afghanistan Rural Enterprise Development Program for economic empowerment of women.

116. More than 760 private companies are being led by women, 400 women merchants are working on an international level.

Women, peace and security[47]

117. The National Action Plan for UNSC Resolution 1325 from 2015–2022 has been ratified by the Afghan Government on July 1, 2015. It consists of 4 pillars[48] and 39 indicators which empower women, ensures their participation in peace process and good governance.

118. Women's contribution in the High Peace Council has increased since 2015. The new HPC leadership has paid special attention to the value, respect, and importance of women's presence in the peace process which is one of the priorities of the HPC. One Deputy is a Woman and there are now 12 women out of 65 members. The HPC has 800 employees in Kabul and provinces, out of which 134 are women. The percentage of women has been increased from 11 to 22 percent at the provincial level.

119. Women representatives took part in peace negotiation in Oslo with Taliban in 2015.

Women in state institutions[49]

120. The Independent Administrative Reform and Civil Service Commission (IARCSC) has implemented a policy aiming to increase the number of women by 2%. They furthermore have conducted awareness raising activities for female college students. It has furthermore created a CV pool of women eligible to apply for civil service positions to ensure equity in the Government. The gender representatives of Ministries and Independent Institutions are present during recruitment processes and in order to increase the ratio of women's recruitment, a 5% extra mark is considered for female applicants in accordance with the recruitment manual.

121. Women's representation in different areas:

- National Assembly 27%.
- Provincial Councils 20,9%.
- Cabinet 15%.
- Decision Making levels of the Government 10%.

- Health Sector 33%.
- Private Sector 21,7%.
- Government Agencies 26%.
- Judiciary 12%.
- Security Sector 1%.
- Decision Making levels of private sector 9,8%.
- Private Sector 21,7%.
- Economic Sector 6 %.
- The percentage of women at the AGO increased from 15 % 2017 to 23 % in 2018. It has 10 women directors. The AGO offered an internship for 241 women. 153 of them got a job at the AGO.
- The women percentage at the Supreme Court is 23 %.
- The 2016 Elections Law has taken into consideration the 25% women's quota in the district councils and stipulates that "At least 25% of the seats should be dedicated to women candidates in each district council".

B. Children

Protection of children[50]

122. To harmonize internal legislation with the provisions of the Convention on the Rights of the Child, the MoJ has drafted the Child Act with 15 Chapters and 106 articles. This draft of the Act is in compliance with the CRC and has been sent to the parliament for ratification. With the approval of this law, beside current laws that exist in Afghanistan, all provisions of the CRC will be codified, namely the provisions of the two Optional Protocols.[51] One of the effects of this law is to facilitate the implementation of regulations that belong to the Convention on the Rights of the Child.

123. A Child Custody Law has been amended in 2014. According to this, 70 kids have been given to families for custodial care in 2017.

124. The MoLSAMD implemented a National Strategy for the protection of children, a National Strategy for social protection and a National Social Policy. Furthermore, it implemented a National Program for the protection children and an inclusive action plan for children. The development of a National Child Protection Program is in progress.

125. From 2014–2016, 138 children were deported from Saudi Arabia, Turkey and Pakistan. These children were reunited with their families in Kabul. 668 children used for child trafficking got back and supported.

Children and criminal acts[52]

126. Section three of the Penal Code deals with Criminal Responsibilities of Children. Art. 94 Penal Code states that a child who has not reached the age of 12 is not criminally responsible. Art 95 deals with children between 12 and 16 years. Art. 96 with the children between 16 and 18 years. According to Art. 97, a child shall not be sentenced to death, imprisonment or fine.

127. Children cases are being investigated by a Special Juvenile Prosecution Department. They are only being arrested in case of existence of evidence regarding their felony or misdemeanor, if there is suspicion of fleeing, danger of elimination of documents and evidence and fear of repetition of the offence. At no circumstances children may be cuffed and they must be kept separate from adults.

128. The Central Department for Juvenile Education and Rehabilitation at MoJ is responsible to assist in the education and rehabilitation of children in conflict with the law. It provides general care for detained juvenile offenders, rehabilitates and educates detained

juvenile offenders, and provides basic necessities, such as food, shelter, clothing, and health facilities, for detained juvenile offenders.

129. MoHRA sends scholars to juvenile rehabilitation centers to teach them religious principles and raise awareness on the risk of fundamentalism.

Child marriage and forced marriage[53]

130. According to the civil law of Afghanistan, the marriage age is different for boys and girls. The marriage age for girls is 16 and for boys it's 18, as mentioned in the Official Gazette (353/1976). The marriage of a girl under 15 is not permitted.

131. To amend the age of marriage within the Civil Code in accordance with the provisions of the Convention on the Rights of the Child. MoJ has prepared a law draft on family protection that will amend the marriage age for both girls and boys to be 18 years old. This draft will be passed by parliament in the near future.

132. MoHRA has issued 11 Fatwas (religious orders) from 2015 till 2018 dealing with the prohibition of child marriage.

Violence against children[54]

133. The new Penal Codes deals with different crimes committed against children. Art 89 of the Draft Child Act clearly states, that no child shall receive torture or other cruel, inhuman or degrading treatment. Teachers, who punish their students physically, will face legal actions.

134. To decrease violence against children through law enforcement institutions, in particular police, a Department for Children Complains has been established in each Police Headquarter in Kabul and provinces. Children arrested by the police enjoy legal support and can refer to this department in case of any complaint.

135. According to Article 677 Penal Code, the crime of "Bacha-Bazi" shall be punished if it is committed by an individual or a group of people. Furthermore, the Penal Code states in Article 637, the perpetrator or rape is sentenced to long-term imprisonment for the period of 16 to 20 years in case the victim of rape is under 18 years old and the offender is an adult. Art. 638 states that, if an adult male has intercourse with a child, his act is considered rape and victim's consent is invalid. An offender is sentenced to death if the rape results in the death of the child.

136. Several trainings for police forces as well as teachers took place to enhance their human rights knowledge and prevent corporal punishment and other violation of children rights.

Child labor[55]

137. Art. 613 Penal Code states that "A person who recruits a child in hard, physical, unhealthy or underground labors or night work or overtime work or forces him/her to travel for working shall be sentenced to fine from 10,000 AFN up to 30,000 AFN.

138. In 2014/2015, 84,000 children were taken off the street and put back to school or educational institutions. Furthermore, 794 families living close to brick kilns received trainings to empower them financially stable enough to enable them send their children return to school.

Children and armed conflict[56]

139. The Art. 605-608 of the Penal Code prohibits recruitment of children in military units.

140. A Child Protection Policy prohibiting the recruitment of children under the age of 18 in security forces was adopted in 2017. The policy has been sent for implementation to MoD & all recruitment centers. 508 children were rejected to join Afghan security forces in the first six month of 2017. MoI created commissions in all 34-provincial headquarters to prevent recruitment of children under 18.

C. Victims of war[57]

141. Based on the initiative of the GoIRA, the International Day of Remembrance of and Tribute to the Victims of Terrorism was announced on August 21.[58]

142. The GoIRA is working towards the implementation of the National Policy on Civilian Casualty Mitigation and Prevention.[59] To monitor the process, a High Oversight Board and working group has been established to review the implementation of the policy and report to the leadership of the country.

143. Afghanistan joined the Protocol V of the Convention on Certain Conventional Weapons concerning explosive remnants of war on 9th of August 2017 and it is effective since 9th February 2018.

D. Persons with disabilities[60]

144. The GoIRA is committed to ensure better protection for persons with disabilities, and to prioritizing efforts to ensure equal access to education for children with disabilities. 2, 7 % of the Afghan population is disabled.

145. Based on the Constitution, and the Law on Rights and Privilege of Disabled Persons, the GoIRA works towards empowerment and integration of persons with disabilities. A National Policy for Disabled Persons has been drafted. According to this policy, persons with disability enjoy all rights and responsibilities alike, without any discrimination.

146. The GoIRA provides persons with disabilities with land. In case they want to buy an apartment, the municipality lowers the price about 50 %. In 2017 the GoIR distributed 233 apartments to persons with disabilities. A quota for persons with disabilities has been established for government institutions and entities. 3 % of persons working within the government. 5 % of persons with disabilities shall be recipients of scholarships.

147. MoE established local intensive classes targeting children with disabilities. Even in places where there are no means and facilities with adequate teaching classes, mosques have been used as classrooms to maximize child enrollment and access to education. Due to the insufficient number of special schools, only 3,692 children with disabilities from different provinces have been enrolled in public schools so that they are not deprived of education. This program is being supported by international institutions, to enable MoE to deliver free educational packages for children with disabilities.

E. Refugees and returnees and internally displaced persons[61]

148. MoRR developed a 5-year Strategic Plan from 2015-2019. The Comprehensive Voluntary Repatriation and Reintegration Strategy and the National Policy on Internally Displaced Persons are key guides for Government. The MoJ works currently on a Draft of Refugee Law.

149. The GoIRA is committed to protect the rights of internally displaced persons and returnees and providing effective mechanisms for addressing their specific needs. The Policy Framework for Returnees and IDPs is a key instrument to guide government efforts to address the specific needs. It is therefore applicable to all Government ministries and agencies. This Policy Framework works towards a longer-term development intervention as well as humanitarian aid which are both needed to facilitate a durable solution for both returnees and IDPs.

150. The main objectives are:

- Ensure their safe and successful re-integration in Afghanistan.
- Returnees and IDPs should be assisted to find productive employment.
- Enhance and reform of documentation system.
- Impacts of Returnees and IDPs on host community are being considered.

151. The Action Plan addresses 6 key response areas including land allocation, documentation, access to services and longer-term integration/reintegration efforts has been endorsed by DiREC and the National Cabinet as of mid-March 2017.

152. Furthermore, a Sub-Committee on Migration Affairs has been established at the Council of Ministers. The Chief Executive is leading this committee. The Sub- Committee will be the main decision-making body on operational issues related to returnees and IDPs.

153. The IDP Policy group, which is chaired by the MoRR Deputy Minister, has a drafting body which is responsible for consultations on national, provincial and international level as well as with the Inter-Ministerial Coordination Committee on Refugees, Returnees and Internally Displaced Persons (IMCC).

154. The national Policy for IDPs acknowledges that IDPs have the right to full access to basic health services and education, even if they have no national identity card or other educational documents. The MoE has instructed all its directorates in border provinces to enroll displaced children in schools. Parents should submit their documents within 3 months. In 2016, 17,000 students (30 % women) who returned from Pakistan were enrolled.

155. Since the beginning 2018, 2,648 Families (18,606 Persons) of IDPs, have been given food and shelter through the Afghan Red Crescent Society.

156. The GoIRA plans 62 townships all over Afghanistan for IDPs and Returnees, from which 22 are already built. Each township has a proper infrastructure, including, schools and hospitals.

F. New and emerging problems, including achievements and challenges associated with them

157. New era of international cooperation contributes to comprehensive approach towards global threats, such as air pollution and global warning. Paris Declaration on Climate Change 2015 is one of international responses to tackle common cause. Despite UN mandate to maintain international peace and security, unfortunately, terrorism and international conflict is still a bottleneck for international cooperation. I.R. of Afghanistan as victim of international terror networks pays by loss of life and property on behalf of all nations in a fore front of counter terrorism and needs more support and joint efforts to tackle unpleasant fact of terror.

G. Challenges which would require the support of the international community

158. Afghanistan has experienced an unprecedented return of refugees and internally displaced persons in recent months. The statistics show that 2018, 428,987 persons returned from their host countries. The country also faces a humanitarian situation caused by internal displacement owing to conflict and a large number of returning refugees. A closer coordination between national and international stakeholders is needed and financial support necessary.

159. The statistic of poverty shows an increase from 35, 8 % in 2011 to 54, 4 % in 2017. The reason for this rapid increase goes back to the withdrawal of international community and the security situation in Afghanistan. Due to a lack of government resources and international assistance, many children with disabilities still do not have access to special and standardized forms of education.

160. Presence of more than 20 international terrorist organizations which claims more lives daily in Afghanistan, damaging the new built-infrastructure and causing insecurity among public needs robust and concrete measures by all regional and international community. I.R. of Afghanistan as member of Human Rights Council declares once again that fighting terrorism, drug, smuggling and human trafficking are not the domestic challenges of a single country and demands international will and actions to overcome global problems.

Notes

[1] Voluntary Commitments A/72/377 Nr. 4 (m) (n).
[2] Recommendation 3, 5 and 26.
[3] Recommendation 48, 82–84, 97, 118 and Voluntary Commitments A/72/377 Nr. 4 (b).
[4] Recommendation 43.
[5] Recommendation 166–168.
[6] Recommendation 81 and Voluntary Commitments A/72/377 Nr. 4 (p).
[7] Recommendation 1, 4, and 7.
[8] Recommendation 119–129.
[9] Recommendation 2, 9, 14, 17 and 19.
[10] Recommendation 85.
[11] Recommendation 11 and 174.
[12] Recommendation 173 and 175–177.
[13] Recommendation 8, 11, 18, 24, 130, 163, 170, 171, 174 and 177.
[14] Recommendation 12, 13, 20, 22, 23, 129 and 172.
[15] Voluntary Commitments A/72/377 Nr. 4 (k).
[16] Voluntary Commitments A/72/377 Nr. 4 (o).
[17] Voluntary Commitments A/72/377 Nr. 4 (r).
[18] Voluntary Commitments A/72/377 Nr. 4 (l).
[19] Voluntary Commitments A/72/377 Nr. 4 (l).
[20] Voluntary Commitments A/72/377 Nr. 4 (q).
[21] Voluntary Commitments A/72/377 Nr. 4 (i).
[22] Voluntary Commitments A/72/377 Nr. 4 (q).
[23] Voluntary Commitments A/72/377 Nr. 4 (j).
[24] Recommendation 61–63.
[25] Recommendation 77–80 and Voluntary Commitments A/72/377 Nr. 4 (h) (p).
[26] Recommendation 15, 39 and 89.
[27] Recommendation 46, 47, 103 and 106.
[28] Recommendation 49, 104 and 105.
[29] Recommendation 82 and 84.
[30] Voluntary Commitments A/72/377 Nr. 4 (a).
[31] Recommendation 46.
[32] Recommendation 91.
[33] Recommendation 25, 27, 37, 44, 64–66, 108 and 109.
[34] Recommendation 28 and 65–68.
[35] Recommendation 86–88.
[36] Recommendation 94 and 110.
[37] Recommendation 113.
[38] Recommendation 35, 38, 40, 42 and 50.
[39] Recommendation 36.
[40] Recommendation 10.
[41] Recommendation 55, 56, 102 and Voluntary Commitments A/72/377 Nr. 4 (p).
[42] Recommendation 94, 95, 96 and 178.
[43] Recommendation 6, 21, 54, 101, 131–159,165..
[44] Law on the Elimination of Violence against Women.
[45] Recommendation 134–136, 140, 147, 152, 153 and 161–164.
[46] Recommendation 51–53, 57, 58, 60, 154 and Voluntary Commitments A/72/377 Nr. 4 (e).
[47] Recommendation 59, 69–74, 90, 98, 99, 131, 156 and Voluntary Commitments A/72/377 Nr. 4 (d).
[48] Participation, Protection, Prevention, and Relief & Recovery.
[49] Recommendation 92, 93, 99 and Voluntary Commitments A/72/377 Nr. 4 (e).
[50] Recommendation 6, 21, 107–109, 112, 130 and Voluntary Commitments A/72/377 Nr. 4 (c).
[51] The Involvement of Children in Armed Conflict/The Sale of Children, Child Prostitution and Child Pornography.
[52] Recommendation 165.
[53] Recommendation 75, 76, 100 and 160.
[54] Recommendation 16, 112, 158 and 159.
[55] Recommendation 111.
[56] Recommendation 16, 114–116 and 169.
[57] Recommendation 45.
[58] A/C.3/72/L.24.
[59] Recommendation 117 and Voluntary Commitments A/72/377 Nr. 4 (f).
[60] Recommendation 29, 30 and 37.
[61] Recommendation 31–34.

United Nations A/HRC/WG.6/32/AFG/2

General Assembly

Distr.: General
15 November 2018

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-second session
21 January–1 February 2019

Compilation on Afghanistan

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–2]

2. The Committee against Torture invited Afghanistan to ratify the core human rights treaties to which it was not yet party.[3]

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Afghanistan consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[4]

4. The Committee against Torture welcomed the commitment of Afghanistan to remove the reservation regarding article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and invited Afghanistan to consider making the declarations under articles 21 and 22 of the Convention.[5]

5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Assistance Mission in Afghanistan (UNAMA) noted that discussions for a possible visit by the Special Rapporteur on the situation of human rights defenders had been held in 2016 and 2017 but no visit was planned in the near future.[6]

6. Afghanistan contributed financially to OHCHR in 2015.[7]

III. National human rights framework[8]

7. The Committee against Torture remained concerned by the reports from the Afghanistan Independent Human Rights Commission that its monitoring staff members had

limited access to custody and detention centres.[9] OHCHR/UNAMA noted that the Commission had maintained A status and was in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It had actively engaged with the United Nations human rights mechanisms, submitted various reports to the United Nations treaty bodies and to the universal periodic review and maintained constructive engagement with OHCHR/UNAMA. However, OHCHR/UNAMA noted the absence of an explicit, legally defined selection process, which had allowed the President to assume complete authority over the appointment of commissioners, without oversight or checks and balances of any sort.[10] The Committee against Torture recommended that Afghanistan continue allocating additional and adequate budgetary resources to the Afghanistan Independent Human Rights Commission; enable it to make regular and unannounced visits to all places of detention, including those controlled by the armed forces and international forces; and enable all personnel of the Commission to safely conduct their work without fear of reprisals.[11]

8. The Committee against Torture requested that Afghanistan ensure that the new Law on the Prohibition of Torture was properly enforced and that penalties and statutory limitations were commensurate with the gravity of the crime. It also requested that Afghanistan amend its legislation to prohibit all forms of corporal punishment as they amounted to torture and cruel, inhuman or degrading treatment or punishment, in violation of the Convention against Torture.[12]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[13]

9. UNAMA encouraged the Government to continue to strengthen efforts to protect all ethnic and religious communities, to mitigate ethnic, tribal and sectarian tensions among Afghans, and to prohibit by law any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence.[14]

2. Development, the environment, and business and human rights[15]

10. UNHCR noted that sustained levels of conflict-induced displacement, combined with the high number of Afghan nationals who continued to return to Afghanistan, far exceeded the absorption capacity of health-care facilities, schools, housing, urban infrastructure and local employment markets. After four decades of conflict, there were enormous economic and development challenges that could not be remedied by humanitarian aid alone. As the Government prioritized expenditure for security purposes, very few resources were allocated for development and basic services. UNHCR recommended that the Government advance towards the realization of its development plans with the support of development actors and the international community.[16]

3. Human rights and counter-terrorism[17]

11. The Committee against Torture recommended that Afghanistan ensure, in law and in practice, that all detainees, including detainees suspected of terrorism or other security-related offences, were afforded all fundamental legal safeguards. The Committee recommended penalizing any failure by officials to do so and ensuring that all detainees had the right to access legal counsel, to request and receive a medical examination, and to be held in custody in conformity with the time limits set out in the Criminal Procedure Code.[18]

B. Civil and political rights

1. Right to life, liberty and security of person[19]

12. The Committee against Torture remained concerned by the high number of prisoners on death row (which currently amounted to 600), the tremendous delay in carrying out their sentences and the conditions of their detention. The Committee was also concerned by cases of executions of minors. It recommended that Afghanistan consider an immediate moratorium on executions and commute all existing death sentences for offenders who had committed the crime for which they had been sentenced while under the age of 18.[20]

13. OHCHR/UNAMA observed that following the transition of combat from international military forces to the Afghan National Defence and Security Forces at the end of 2014, the security situation in Afghanistan had worsened. Afghan civilians continued to suffer the devastating impact of the armed conflict with high levels of civilian casualties. OHCHR/UNAMA had documented 1,692 civilian deaths for the period 1 January to 30 June 2018, the highest number for a comparable period over the past ten years. They acknowledged that the Government had taken steps to reduce civilian casualties during military operations and that it had endorsed the National Policy on Civilian Casualty Prevention and Mitigation and its implementation plan in October 2017.[21] The Secretary-General of the United Nations confirmed that the security situation remained highly unstable, and that complex and suicide attacks had become the leading cause of civilian casualties.[22] UNAMA documented a disturbing increase in attacks against places of worship, religious leaders and worshippers in 2017. The Mission was also deeply concerned by the significant increase in sectarian-motivated attacks targeting Shia Muslim congregations, mostly perpetrated by Islamic State in Iraq and the Levant-Khorasan Province.[23]

14. OHCHR/UNAMA were concerned about the increased use of aerial attacks by pro-government forces, noting that 353 civilian casualties had been caused by air strikes during the first half of 2018, which was a 52 per cent increase from the same period in 2017. The Mission attributed 52 per cent of all civilian casualties from aerial attacks to the Afghan Air Force, 45 per cent to international military forces and 3 per cent to undetermined pro-government forces.[24] It was concerned by the indiscriminate nature of the air strikes during the outdoor religious ceremony *dashtar bandi* in a Taliban-controlled area in Laghmani village, Kunduz Province, on 2 April 2018. The attack had occurred next to a madrasa where hundreds of men and boys had been gathered, and had killed at least 36, of which 30 were children. The Mission questioned the measures and concrete steps taken by the Government to prevent civilian casualties, in accordance with its Civilian Casualty Mitigation Policy. It recommended that Afghanistan ensure prompt, impartial and transparent investigations of the attack, accountability for perpetrators and appropriate redress for victims.[25] The Office of the Special Representative of the Secretary-General for Children and Armed Conflict called on armed groups to immediately cease all indiscriminate attacks against civilian targets and expressed concern regarding the effects of aerial operations on civilians, including children. It urged those planning and executing such attacks to take all necessary precautions to minimize civilian casualties.[26]

15. The Security Council condemned the terrorist attacks that had taken place in Kabul on 5 September 2018, claimed by Islamic State in Iraq and the Levant, and in Nangarhar on 11 September 2018. The attacks, at a sports centre, several schools and a protest rally, had resulted in at least 61 people killed and many more injured. The members of the Security Council underlined the need to hold perpetrators, organizers, financiers and sponsors accountable and bring them to justice.[27] UNAMA reported that at least 85 civilians had been killed and 413 injured in a suicide attack on a peaceful demonstration in Kabul on 23 July 2016, the vast majority of whom were Hazaras. A website affiliated with Islamic State in Iraq and the Levant had also claimed responsibility for the attack, with a series of anti-Shia statements. The Mission concluded that the attack had deliberately targeted civilians with the apparent aim of spreading terror among the civilian population, which might amount to a war crime.[28] It recommended that the anti-government elements cease the indiscriminate and disproportionate use of all improvised explosive devices in areas frequented by civilians, immediately stop targeted attacks against religious scholars,

mullahs and places of worship and culture, and hold accountable those conducting the indiscriminate attacks. It also recommended that the Government cease the indirect (without line of sight) use of mortars, rockets, grenades and other weapons, and aerial attacks in civilian-populated areas; develop and implement clear tactical directives, rules of engagement and other procedures in relation to the use of explosive weapons; immediately disband and disarm all illegal armed groups and militias and ensure accountability for human rights abuses caused by those groups; and investigate all allegations of violations of international humanitarian and human rights law and prosecute and punish those found responsible. The Mission recommended that the international military forces continue to review and strengthen pre-engagement targeting protocols to prevent civilian casualties, conduct post-operation reviews and investigations, and ensure transparency, accountability and compensation for victims and survivors.[29] It encouraged Taliban commanders and fighters to allow humanitarian demining efforts.[30]

16. The Committee against Torture remained deeply concerned by the specific situation of national security-related detainees, or conflict-related detainees, who were most at risk of being subjected to acts of torture or ill-treatment. The Committee was further concerned by reports that torture and physical abuse were widely and increasingly practised by the National Directorate for Security, the Afghan National Police and the Afghan Local Police, primarily to extract confessions or information to be used in criminal proceedings.[31] UNAMA acknowledged the genuine efforts made by the Government to address those concerns. However, it found compelling indications that detainees experienced torture during interrogation in numerous detention facilities run by the National Directorate for Security and the Afghan National Police throughout the country, including reports of torture and ill-treatment of juvenile detainees by the Afghan National Police and the Afghan National Border Police. The Mission also documented credible allegations of extrajudicial killings of individuals taken into custody by the same authorities in Kandahar. It concluded that only the credible prospect that those who committed torture would be held to account would deter those who carried out such crimes. The Mission reported that the Office of the Prosecutor of the International Criminal Court (ICC) had determined that there had been a reasonable basis to believe that war crimes of torture and related ill-treatment had been committed by government forces since 2003. It noted that there were allegations of the continuing commission of such war crimes up to the present day.[32] OHCHR/UNAMA reported that the new Anti-Torture Law, approved by the parliament on 15 July 2018, would be sent to the President for endorsement.[33]

17. The Committee against Torture was concerned that foreign elements were involved in the running of detention centres where national security-related detainees were held. It recommended that Afghanistan cooperate with the International Criminal Court and ensure that any foreign adviser or consultant respected the Convention against Torture.[34] The Committee urged Afghanistan to ensure that all instances and allegations of torture and ill-treatment were investigated promptly, effectively and impartially by an independent body; and ensure that alleged perpetrators were prosecuted and, if found guilty, convicted in accordance with the gravity of the acts committed.[35] The Committee urged Afghanistan to acknowledge its obligation to victims of torture and guarantee that they benefited from effective remedies and could obtain redress.[36]

18. The same Committee remained concerned by the widespread practice of arbitrary and illegal detention[37] and by the credible allegations that detainees in Parwan detention facilities were routinely tortured. It urged Afghanistan to take immediate measures to ensure that the administration of Parwan was transferred from the Ministry of Defence to the Ministry of Justice.[38]

19. The Committee remained deeply concerned about the poor conditions of detention, including severe overcrowding, inadequate sanitation and access to water, food of a sufficient amount and quality and medical services. It was particularly concerned by the situation of women in prisons and recommended taking measures to alleviate overcrowding in detention facilities.[39]

20. The Committee was concerned by the situation of detainees in solitary confinement, a practice applied to persons with epidemic diseases, persons with mental illnesses and terrorists for prolonged periods of time.[40]

2. Administration of justice, including impunity, and the rule of law[41]

21. The same Committee was deeply concerned about the various reports alleging that perpetrators of war crimes and gross human rights violations, including acts of torture, were still holding, or had been nominated for, official executive positions, some of them in government. It urged Afghanistan to ensure that no candidates for official executive positions had perpetrated any human rights violations and, if found responsible for past human rights violations, including torture, they were not nominated. It remained gravely concerned about the general climate and culture of impunity in Afghanistan, as evidenced by the large number of cases of alleged human rights violations involving senior State officials. The Committee urged Afghanistan to repeal provisions from the National Reconciliation, General Amnesty, and National Stability Law preventing the prosecutions of perpetrators of gross human rights violations, and to prosecute all perpetrators of past gross human rights violations.[42] OHCHR/UNAMA were also concerned about the 2008 Amnesty Law, which was intended to provide protection from prosecution for Afghan leaders suspected of involvement in human rights violations. They reported that the Chief Prosecutor of the International Criminal Court had submitted a formal request to the Pre-Trial Chamber for authorization to commence investigation of alleged war crimes and crimes against humanity committed since 1 May 2003, and the Government had pledged to cooperate with the Court.[43]

22. The Committee against Torture remained concerned by the low rate of prosecutions in relation to complaints of torture and ill-treatment, and by allegations that those complaints had been dismissed due to the absence of documentation of physical signs of torture, possibly because no medical examination had been conducted or it had been conducted too late to document them.[44]

23. The Committee recommended that Afghanistan adopt effective measures to ensure that coerced confessions were inadmissible in practice, to invite the judiciary to review all cases in which convictions had been based solely on confessions obtained through torture, and to take appropriate remedial measures.[45]

24. OHCHR/UNAMA were concerned about the lack of support staff, adequate security arrangements, access to legal defenders, psychosocial support, and health and educational services at juvenile rehabilitation centres, which might complicate the reintegration process following the release of detainees.[46]

25. OHCHR/UNAMA noted that the ongoing armed conflict affected women's access to justice.[47] The Mission noted that the failure of law enforcement authorities to take action undermined efforts to promote the rights of women, eroded the rule of law and contributed to an expectation of impunity. It observed that the gap in relation to the available range of punishments for criminal offences of violence against women contributed to the wide use of mediation. The Mission highlighted that the wide use of mediation in criminal offences of violence against women also promoted impunity, enabled its reoccurrence, eroded trust in the legal system and constituted a human rights violation on the part of Afghanistan. It recommended promptly investigating and prosecuting all cases of violence against women. It urged institutions involved in the elimination of violence against women not to refer such crimes to mediation, and to ensure the full implementation of the Elimination of Violence against Women Law and the 2018 Penal Code provisions. It encouraged them to consider amending the Law to expand the authorities' obligation to investigate and prosecute those crimes, particularly *ba'ad* (giving away girls to resolve family disputes), underage marriage and beating.[48]

26. The Committee against Torture was seriously concerned by the sentences still imposed by *jirga* courts and other parallel judicial mechanisms on the Afghan population, in particular on women, notably for "moral crimes", including the death sentence and corporal punishment. The Committee recommended that Afghanistan set up an effective system for monitoring and revising decisions of *jirga* courts in order to ensure that State officials did not recognize or carry out the judgments of parallel judicial mechanisms, and develop clear and mandatory instructions for prosecutors to identify which decisions of *jirga* courts should lead to criminal prosecution.[49]

3. Fundamental freedoms and the right to participate in public and political life[50]

27. OHCHR/UNAMA reported attacks against places of worship and persons exercising their right to religious worship, and targeted killings, abduction and intimidation of religious scholars and religious leaders, mainly by anti-government elements and particularly Islamic State in Iraq and the Levant-Khorasan Province. OHCHR/UNAMA observed that a pattern of attacks against Shia Muslims had emerged at the beginning of 2016, raising grave concerns regarding the right to freedom of religion or belief and the protection of minorities.[51] The Committee against Torture was also concerned by the numerous reports documenting the increase of propaganda promoting violent extremism in Afghanistan.[52]

28. OHCHR/UNAMA observed that civil society remained highly constrained. Civil society actors faced threats, intimidation and harassment in performing their professional responsibilities, particularly while monitoring and reporting from areas under the control or influence of anti-government elements. OHCHR/UNAMA reported on threats, harassment and arrests carried out against journalists by government departments on security-related grounds or for highlighting conflict-related harm to civilians attributed to pro-government forces.[53] The Committee against Torture remained deeply concerned about the numerous reports alleging that human rights defenders and journalists were subjected to threats, intimidation, harassment, surveillance, arbitrary detentions, forced disappearances and killings, and by the lack of adequate measures taken by Afghanistan to protect them. It urged Afghanistan to ensure that human rights defenders were able to conduct their work freely, without fear of reprisals or attacks; and to investigate promptly, thoroughly and impartially all violations committed against them, prosecute and punish appropriately those found guilty and provide redress to victims.[54] The United Nations High Commissioner for Human Rights also stated that attacks and threats made by anti-government elements against human rights defenders, and the increasing insecurity, had affected their ability to advocate for human rights and had created a climate of fear. The Government did not provide adequate support to ensure their safety.[55] The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged the Government to investigate the cases of journalists who had been killed.[56]

29. UNESCO recommended that the Government decriminalize defamation and place it within a civil code in accordance with international standards.[57]

30. UNESCO encouraged the Government to amend the appointment system for the broadcast licensing authority to ensure that the body was independent.[58]

31. OHCHR/UNAMA noted that the Government had been making efforts to build a representative political system and national institutions by increasing the representation of ethnic communities and women, particularly through the parliamentary elections. Despite those efforts, women remained underrepresented in the political sphere at the national, provincial and district levels, and their representation in the institutions of governance remained low. Moreover, women's meaningful participation in decision-making processes required serious attention.[59]

4. Right to privacy and family life[60]

32. UNESCO encouraged Afghanistan to effectively implement legislation raising the legal age for marriage.[61]

C. Economic, social and cultural rights

1. Right to social security[62]

33. The Secretary-General of the United Nations was deeply concerned by the ongoing drought, which had been declared in April 2018 and had exacerbated the humanitarian situation. The low levels of precipitation experienced throughout the planting season were threatening the survival of more than two million people across two thirds of the country, who depended on agriculture for their livelihoods. Migration due to the drought had already been reported, and more than half a million people might be displaced if food and water

supplies were not provided in time. He called upon donors to respond to the urgent appeal by the United Nations for additional assistance to meet the basic needs of the drought-affected population.[63]

2. Right to an adequate standard of living[64]

34. UNHCR reported that approximately 39 per cent of the population lived below the poverty line and that an estimated 10 million people had limited or no access to essential health-care services. Some 1.9 million people were severely food insecure, largely due to a lack of sustainable job opportunities, while 40 per cent of children under the age of 5 were stunted.[65]

35. UNHCR observed that returning Afghan refugees and other Afghan undocumented persons comprised up to 40 per cent of the 2.2 million people living in informal settlements in Afghanistan. Those settlements did not provide sufficient protection against the cold during winter, adequate sanitation or potable water. Overcrowding resulted in a lack of privacy and increased the protection risks for women and girls.[66]

3. Right to health[67]

36. UNAMA documented incidents targeting and/or impacting health care and health-care workers. In 2017, the Mission and the United Nations Children's Fund (UNICEF) reported that anti-government elements had abducted health-care workers and continued to target ambulances. The Mission also recorded incidents of their intentional or indiscriminate damage to medical facilities. The military use of clinics remained a concern. In 2015, the Mission and UNICEF verified incidents of the military use of clinics by both pro-government forces and anti-government elements. They recommended that the Government ensure accountability for members of the Afghan security forces that attacked or occupied hospitals, and strengthen tracking, mitigation and accountability structures. They also recommended that the Government ensure access to immunization, particularly the polio vaccination, and use its maximum available resources to ensure the availability, accessibility and acceptability of good quality health care to all Afghans, in particular the groups rendered vulnerable by conflict.[68]

37. The United Nations Development Programme (UNDP) and the Food and Agriculture Organization of the United Nations (FAO) noted that key human rights violations continued to affect key populations, such as men who had sex with men, female sex workers and drug users. They continued to face discrimination and stigma that was affecting their access to health-care services, and they continued to be harassed, including by law enforcement agencies.[69]

4. Right to education[70]

38. UNHCR reported that up to 3.5 million children were out of school.[71] UNAMA and UNICEF reported an increase of conflict-related incidents involving threats and intimidation against education and education-related personnel. More than 369 schools were closed partially or completely. In addition to barriers to education arising from insecurity, throughout 2015, anti-government elements had deliberately restricted women and girls' access to education, which included the closure of girls' schools and complete bans on education for women and girls. The Mission and UNICEF recommended that all parties to the conflict uphold the right to education and ensure accountability for perpetrators of attacks on education institutions and personnel.[72] They also recommended that the Government use the maximum available resources, taking measures to abstain from acts that disrupted the process of education and ensuring accountability for members of the Afghan security forces who attacked or occupied schools.[73]

39. UNESCO noted that in the previous universal periodic review cycle, seven recommendations had highlighted the need to ensure access to education. UNESCO encouraged the Government to ensure that education was compulsory and to, progressively, provide for at least one year of compulsory pre-primary education in accordance with Sustainable Development Goal 4. It recommended adopting specific measures to address

literacy and access to education for all in a safe environment, with particular focus on girls and women, child labourers, internally displaced persons and persons with disabilities.[74]

40. UNESCO noted that despite the Government's efforts, girls and women faced serious challenges in accessing and completing their education, with education being more a privilege than a right. Members of Taliban groups had also openly declared their opposition to the education of girls and had used violent attacks against girls, their families and teachers. Early marriages often had a direct and adverse impact on girls' education, compromising their education opportunities and resulting in higher dropout rates.[75]

41. UNHCR recommended that Afghanistan prevent undue disruption to education for returnees and internally displaced children, through implementing flexible policies and expanding access to education in areas of high return and displacement, mitigating security threats that contributed to children being out of school, and employing female teachers to promote the enrolment and attendance of girls in school.[76]

D. Rights of specific persons or groups

1. Women[77]

42. The Committee against Torture remained deeply concerned by the high prevalence of violence against women, in particular domestic violence, rape, battery, laceration, crimes committed in the name of "honour" and cases of stoning.[78]

43. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) observed that women and girls continued to face persistent discrimination, violence, street harassment, forced and child marriage, severe restrictions on working and studying outside the home and limited access to justice. It noted that the Elimination of Violence against Women Law had the potential to contribute to improving women's access to justice, provided it was effectively implemented.[79]

44. The Secretary-General of the United Nations noted the decree amending the Penal Code with regard to crimes of violence against women and encouraged the full implementation of the national strategy and action plan on the elimination of violence against women.[80]

45. OHCHR/UNAMA noted that harmful acts of violence against women, including murder, beating, mutilation, child marriage and *ba'ad*, remained widespread, despite the Government's concrete efforts to criminalize those practices and establish measures for accountability. Harmful practices that had been criminalized under the Elimination of Violence against Women Law, such as forced and child marriage, honour killings, *ba'ad*, *badal* (the exchange of women for marriage purposes to settle disputes) and forced self-immolation, were often confused as being aspects of Islamic law or teachings and therefore ingrained in the local traditions. The Mission documented 280 cases of murder and "honour killings" of women from January 2016 to December 2017. It found that the police had often failed to forward those cases to prosecutors. The majority of Afghan women continued to be denied fair treatment before the law, as discriminatory provisions in laws and policies were still prevalent. As such, law enforcement and other judicial practitioners, including prosecutors and courts, had often failed to enforce the Elimination of Violence against Women Law, resulting in widespread impunity for the criminal acts of violence against women. OHCHR/UNAMA consistently found that implementation of the Elimination of Violence against Women Law had been slow and non-uniform.[81] UNESCO encouraged Afghanistan to adopt all necessary legal and regulatory measures to eliminate violence and discrimination against girls and women.[82] UNAMA and UNESCO urged Afghanistan to amend the Elimination of Violence against Women Law and ensure that legislation was consistent.[83]

46. OHCHR/UNAMA reported that anti-government elements, particularly the Taliban, continued to impose restrictions that seriously limited enjoyment of human rights, specifically for women and girls.[84]

47. OHCHR/UNAMA reported that the Government continued to carry out the Afghan national plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, but its efforts were hampered by lack of funding.[85]

48. OHCHR/UNAMA noted that despite some progress, the number of women in positions of decision-making remained low. On 2 July 2017, five new female members had been nominated to the High Peace Council. The 480 members of the High Peace Council and the provincial peace councils included 65 women. However, only one of the seven sections of the Joint Secretariat of the Council was led by a woman.[86]

49. The Special Rapporteur on violence against women, its causes and consequences, recommended that the Government initiate a review, including recommendations in respect of provisions in the penal and family laws relevant to moral offences, of the files of all women and girls currently in detention for crimes generally, and more specifically for "moral crimes". She urged Afghanistan to consider alternatives to detention and address the question of transit houses for women who were released from detention, increase the number of shelters for victims of violence against women, and strengthen support services for victims.[87]

50. The Committee against Torture urged Afghanistan to increase the presence of women among the staff of the police and the judiciary, and to take all measures, including legal, to ensure that virginity tests were prohibited and that all officials ordering virginity tests were adequately sanctioned.[88]

2. Children[89]

51. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict expressed deep concern over the continuing high number of children killed or maimed, and called on all parties to the conflict to respect their obligations under international law.[90]

52. UNICEF noted that from January to September 2017, some 437 individual child recruitment cases had been reported.[91] The Secretary-General of the United Nations and OHCHR/UNAMA were deeply concerned by the rise in the recruitment and use of children by parties to the conflict, which had increased threefold compared with the previous reporting period. They called upon all parties to the conflict to put an immediate stop to the practice and urged the Government to adopt the measures necessary to establish referral and rehabilitation mechanisms for victims.[92] The Office of the Special Representative of the Secretary-General noted that despite the important advances concerning the implementation of the action plan to end and prevent the recruitment and use of children made by Afghan National Defence and Security Forces, accountability for those recruiting or using children remained an important gap. It urged the Government to ensure accountability for all perpetrators.[93] UNESCO encouraged Afghanistan to continue taking necessary measures towards preventing and ending the recruitment of children.[94]

53. The Committee against Torture was deeply concerned by the numerous allegations that children in Parwan were detained with and under the same regime as adult detainees. The Committee urged Afghanistan to take immediate measures to ensure that they were transferred to juvenile detention centres and duly rehabilitated.[95] The Office of the Special Representative of the Secretary-General for Children and Armed Conflict also remained concerned about children detained on national security-related charges in adult prisons and called on the Government to adhere to national and international juvenile justice principles when dealing with those children. It encouraged the Government to develop alternatives to detention for children formerly associated with armed groups, focusing on reintegration and rehabilitation and using detention only as a last resort and for the shortest period of time.[96]

54. The Secretary-General of the United Nations reported that *bacha bazi* had been criminalized in the new Penal Code. However, communities in all regions of Afghanistan alleged the use of boys for the purpose of sexual abuse, including *bacha bazi*, by armed forces, particularly the Afghan Local Police and Afghan National Police, and identified poverty and unemployment as underlying causes.[97] The Committee against Torture remained deeply concerned that, despite the new legal framework, the practice of *bacha bazi* remained widespread, including among State officials, and it recommended that

Afghanistan promptly adopt and enforce the new law prohibiting *bacha bazi* and eradicate the practice.[98] It was also concerned by the widespread phenomenon of the forced and early marriages of girls, and recommended that Afghanistan ensure that those marriages were prohibited, those responsible were prosecuted and punished and the victims were rehabilitated.[99]

55. UNESCO encouraged Afghanistan to successfully implement legislation on child labour and ensure that such harmful practices did not interfere with school attendance and compulsory education.[100]

3. Persons with disabilities[101]

56. UNESCO noted that regular government schools typically had no institutionalized capacity to provide inclusive education or assist children with disabilities, often resulting in them dropping out of education. It encouraged Afghanistan to implement a system to identify, assess and meet the particular needs of children with disabilities.[102]

4. Migrants, refugees, asylum seekers and internally displaced persons[103]

57. UNHCR noted that asylum seekers and refugees had no effective legal or social protection. In August 2017, the Secretary-General of the United Nations had noted that Afghanistan was not in a post-conflict situation, where sufficient stability existed to focus on institution-building and development-oriented activities, but it was a country undergoing a conflict that showed few signs of abating. UNHCR recommended that Afghanistan enact national legislation and an asylum policy framework to codify its international commitments.[104]

58. The Secretary-General of the United Nations stated that in June 2018, 75,643 people had been newly displaced by conflict.[105] UNHCR reported that there were an estimated 1.84 million protracted and prolonged internally displaced persons. It noted that access to land, shelter, livelihood opportunities, water and sanitation facilities, skills development, girls' education and basic infrastructure remained a major gap and challenge to successful and sustainable reintegration. It noted that those needs could not be addressed without long-term development solutions linked to a humanitarian response, the mobilization of development actors and the inclusion of returnees into existing national programmes.[106]

59. The Special Rapporteur on the human rights of internally displaced persons reported that in 2016, over 623,000 Afghans had been internally displaced, continuing the upward trend of the previous four years, including a record number of 450,000 persons displaced in 2015. He noted the considerable challenges facing Afghanistan that had a clear impact on its ability to respond effectively to the situation of internally displaced persons. He recommended that the Government renew its commitment to the National Policy on Internally Displaced Persons and its implementation, and ensure that the prohibition of their illegal forced eviction was respected by all actors.[107] While noting that the endemic corruption was undoubtedly hampering delivery of humanitarian assistance and progress towards durable solutions, the Special Rapporteur highlighted that the United Nations, the international community and international donors should respond rapidly to requests for humanitarian funding and material assistance across humanitarian sectors. He recalled the responsibility of non-State armed groups in areas under their control to provide safe and unhindered access to allow humanitarian actors to conduct their work.[108]

5. Stateless persons[109]

60. UNHCR recommended that Afghanistan ensure official birth registration and issuance of birth certificates by the Ministry of Public Health for all children born in Afghanistan, including foreign nationals; and promote and facilitate access to individual civil documentation, particularly a *tazkira* (national identity certificate) for all Afghan nationals.[110]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Afghanistan will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/AFIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/4, paras. 136.4–136.7, 136.12, 136.19–136.20, 136.22–136.23, 136.171, 137.1–137.9, 137.20, 137.22–137.29, 138.5 and 138.7.
[3] CAT/C/AFG/CO/2, para. 51.
[4] UNHCR submission for the universal periodic review of Afghanistan, p. 3.
[5] CAT/C/AFG/CO/2, paras. 48–49.
[6] OHCHR/UNAMA submission for the universal periodic review of Afghanistan, p. 9.
[7] OHCHR, "Funding", in *OHCHR Report 2015*, p. 61.
[8] For relevant recommendations, see A/HRC/26/4, paras. 136.1–136.3, 136.8–136.11, 136.13, 136.38–136.39, 136.45, 136.89, 136.91, 136.119–136.129, 136.172–136.177, 137.10 and 137.21.
[9] CAT/C/AFG/CO/2, para. 31.
[10] OHCHR/UNAMA submission, p. 8.
[11] CAT/C/AFG/CO/2, para. 32.
[12] Ibid., para. 24.
[13] For relevant recommendations, see A/HRC/26/4, paras. 136.96 and 138.11.
[14] UNAMA, "Special report: Attack on a peaceful demonstration in Kabul, 23 July 2016" (Kabul, Afghanistan, October 2016), para. 57.
[15] For relevant recommendations, see A/HRC/26/4, paras. 136.36 and 136.43.
[16] UNHCR submission, pp. 3–4.
[17] For the relevant recommendation, see A/HRC/26/4, para. 136.81.
[18] CAT/C/AFG/CO/2, para. 26.
[19] For relevant recommendations, see A/HRC/26/4, paras. 136.49, 136.82–136.84, 136.118, 137.11 and 138.1–138.10.
[20] CAT/C/AFG/CO/2, paras. 33–34. See also CAT/C/AFG/CO/2/Add.1.
[21] OHCHR/UNAMA submission, pp. 1–2. See also UNAMA, "Special report: Attack on a peaceful demonstration in Kabul, 23 July 2016" (Kabul, Afghanistan, October 2016). See also UNAMA, "Midyear update on the protection of civilians in armed conflict: 1 January to 30 June 2018" (July 2018). See also UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018) pp. 9–12 and 41.
[22] A/72/888–S/2018/539, para. 3.
[23] UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018) p. 3.
[24] OHCHR/UNAMA submission, p. 2. See also UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018) pp. 53–54.
[25] A/72/888–S/2018/539, para. 29 and UNAMA, "Special report: Air strikes in Dasht-e-Archi district, Kunduz Province, 2 April 2018" (Kabul, Afghanistan, May 2018) pp. 2 and 9.
[26] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Afghanistan, p. 3.
[27] www.un.org/press/en/2018/sc13498.doc.htm.
[28] UNAMA, "Special report: Attack on a peaceful demonstration in Kabul, 23 July 2016" (Kabul, Afghanistan, October 2016) pp. 2 and 9.
[29] UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018) pp. 6–7.
[30] Ibid., p. 18.
[31] CAT/C/AFG/CO/2, para. 9.
[32] OHCHR/UNAMA, "Treatment of conflict-related detainees: Implementation of Afghanistan's National Plan on the Elimination of Torture" (Kabul, Afghanistan, April 2017). pp. 5, 7–8, 33, 35, 61 and 63. See also ICC, *Report on Preliminary Examination Activities 2016* (14 November 2016) pp. 43–51. Available from www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf.
[33] OHCHR/UNAMA submission, p. 6. See also OHCHR/UNAMA, "Treatment of conflict-related detainees: Implementation of Afghanistan's National Plan on the Elimination of Torture" (Kabul, Afghanistan, April 2017).
[34] CAT/C/AFG/CO/2, paras. 19–20.
[35] Ibid., para. 12.
[36] Ibid., para. 42.
[37] Ibid., para. 13.
[38] Ibid., paras. 17–18.
[39] Ibid., paras. 29–30.
[40] Ibid., para. 29.

[41] For relevant recommendations, see A/HRC/26/4, paras. 136.14–136.15, 136.17, 136.46–136.48, 136.85, 136.103, 136.105–136.106, 136.166–136.168 and 137.13–137.19.
[42] CAT/C/AFG/CO/2, paras. 7–8.
[43] OHCHR/UNAMA submission, p. 8.
[44] CAT/C/AFG/CO/2, para. 11.
[45] Ibid., para. 28. See also CAT/C/AFG/CO/2/Add.1.
[46] OHCHR/UNAMA submission, p. 3.
[47] Ibid., p. 2.
[48] OHCHR/UNAMA, "Injustice and impunity: Mediation of criminal offences of violence against women" (Kabul, Afghanistan, May 2018) pp. 6–7 and 10–12. See also OHCHR/UNAMA submission, pp. 4–5.
[49] CAT/C/AFG/CO/2, paras. 39–40.
[50] For relevant recommendations, see A/HRC/26/4, paras. 136.61–136.63 and 136.77–136.80.
[51] OHCHR/UNAMA submission, pp. 2–3. See also UNAMA, "Special report: Attacks against places of worship, religious leaders and worshippers" (7 November 2017).
[52] CAT/C/AFG/CO/2, para. 21. See also A/HRC/34/41, para. 56.
[53] OHCHR/UNAMA submission, p. 7.
[54] CAT/C/AFG/CO/2, paras. 43–44.
[55] A/HRC/34/41, para. 68.
[56] UNESCO submission for the universal periodic review of Afghanistan, p. 7.
[57] Ibid., p. 6.
[58] Ibid.
[59] OHCHR/UNAMA submission p. 7.
[60] For relevant recommendations, see A/HRC/26/4, paras. 136.75–136.76 and 136.160–136.161.
[61] UNESCO submission, p. 6.
[62] For relevant recommendations, see A/HRC/26/4, paras. 136.25–136.26.
[63] A/72/888–S/2018/539, paras. 44 and 64.
[64] For relevant recommendations, see A/HRC/26/4, paras. 136.40–136.41.
[65] UNHCR submission, p. 4.
[66] Ibid.
[67] For relevant recommendations, see A/HRC/26/4, paras. 136.27 and 136.30.
[68] UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018) p. 14 and UNAMA/UNICEF, "Education and health care at risk" (April 2016) pp. 10, 22 and 24.
[69] UNDP and FAO submission for the universal periodic review of Afghanistan, p. 3.
[70] For relevant recommendations, see A/HRC/26/4, paras. 136.18, 136.28, 136.30–136.31, 136.37, 136.42, 136.44, 136.51, 136.65–136.68, 136.70, 136.86–136.88, 136.94–136.95, 136.107–136.110, 136.113, 136.170, 136.173 and 136.178.
[71] UNHCR submission, p. 4.
[72] UNAMA/UNICEF report, "Education and health care at risk" (April 2016), pp. 6 and 24. See also UNICEF, *Afghanistan Annual Report 2017* (February 2018).
[73] UNAMA/UNICEF report, "Education and health care at risk" (April 2016), p. 24.
[74] UNESCO submission, pp. 4–6.
[75] Ibid., p. 5.
[76] UNHCR submission, p. 4.
[77] For relevant recommendations, see A/HRC/26/4, paras. 136.21, 136.24, 136.31, 136.51–136.60, 136.69–136.76, 136.88, 136.90, 136.92–136.97, 136.99–136.102, 136.111, 136.131–136.165, 136.178, 137.13–137.14 and 138.12.
[78] CAT/C/AFG/CO/2, para. 37.
[79] See http://asiapacific.unwomen.org/en/countries/afghanistan.
[80] A/72/888–S/2018/539, paras. 32 and 60.
[81] OHCHR/UNAMA submission p. 4 and OHCHR/UNAMA, "Injustice and impunity: Mediation of criminal offences of violence against women" (Kabul, Afghanistan, May 2018) pp. 6 and 8.
[82] UNESCO submission, p. 6.
[83] Ibid., p. 6 and OHCHR/UNAMA, "Injustice and impunity: Mediation of criminal offences of violence against women" (Kabul, Afghanistan, May 2018) p. 11. See also OHCHR/UNAMA submission, pp. 4–5.
[84] OHCHR/UNAMA submission, p. 4.
[85] Ibid., p. 5.
[86] Ibid. pp. 5–6.
[87] A/HRC/29/27/Add.3, paras. 76–78.
[88] CAT/C/AFG/CO/2, para. 38.

[89] For relevant recommendations, see A/HRC/26/4, paras. 136.16, 136.21, 136.25, 136.27, 136.31, 136.37, 136.50, 136.57, 136.65, 136.67, 136.75–136.76, 136.95, 136.100, 136.102, 136.107–136.112, 136.114–136.117, 136.130, 136.155, 136.158–136.160, 136.165, 136.169, 137.2 and 137.32.

[90] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 3.

[91] UNICEF, *Afghanistan Annual Report* 2017 (February 2018), p. 23.

[92] A/72/888–S/2018/539, para 62, OHCHR/UNAMA submission, p. 3 and UNAMA, *Protection of Civilians in Armed Conflict, Annual report 2017* (Kabul, Afghanistan, February 2018), p. 13.

[93] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, pp. 1–2.

[94] UNESCO submission, p. 5.

[95] CAT/C/AFG/CO/2, paras. 17–18.

[96] Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 3.

[97] A/73/374–S/2018/824, paras. 36–37.

[98] CAT/C/AFG/CO/2, paras. 35–36.

[99] Ibid.

[100] UNESCO submission, p. 6.

[101] For the relevant recommendation, see A/HRC/26/4, para. 136.29.

[102] UNESCO submission, p. 5.

[103] For relevant recommendations, see A/HRC/26/4, paras. 136.31–136.34.

[104] UNHCR submission, pp. 1–2 and 5. For the relevant recommendation, see also A/HRC/26/4, para 136.34.

[105] A/72/888–S/2018/539, para 42.

[106] UNHCR, "2017 year-end report. Operation: Afghanistan" (July 2018) pp. 4–5. Available from http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2017-Afghanistan-eng.pdf.

[107] A/HRC/35/27/Add.3, paras. 6, 76 and 80.

[108] Ibid., paras. 25 and 81–82.

[109] For the relevant recommendation, see A/HRC/26/4, para. 137.20.

[110] UNHCR submission, p. 5. See also A/HRC/35/27/Add.3, para. 28.

United Nations A/HRC/WG.6/32/AFG/3

General Assembly

Distr.: General
6 November 2018

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-second session
21 January1 February 2019

Summary of Stakeholders' submissions on Afghanistan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 8 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. Afghanistan Independent Human Rights Commission (AIHRC) reported that it was re-accredited with "A" status by the GANRI. AIHRC noted the positive achievements since the last UPR, especially in the areas of the protection of victims of human rights violations, through the inclusion of the practice of Bacha Bazi (child exploitation for sexual purposes), war crimes, crimes against humanity and genocide, protecting and preservation of the environment which were criminalized in the criminal code. Afghanistan also signed the Law on the Prevention, Prohibition of Harassment of Women and Children, and the virginity test was prohibited by the new penal code. Afghanistan ratified the OP-CAT and withdrew reservations on CAT. However, it reported that no accountability mechanism for torture was implemented.[2]

3. AIHRC informed that Afghanistan developed an action plan regarding the previous UPR recommendations, and implemented them through relevant government departments. Nevertheless, they reported that many challenges continue to remain, and citizens' access to and exercising their human rights are faced with threats and restriction.[3]

* The present document was not edited before being sent to United Nations translation services.

4. AIHRC observed that the withdrawal of foreign troops and the transfer of security responsibility to Afghan forces and the continuation of war and instability in the country have had a negative impact on the human rights situation, especially on the security of citizens. The emergence and operations of the so-called ISIS groups have led to more fears and insecurity. The continuation of war and the conflict, the attacks on the civilians, cities, and villages by the anti-government forces, specially Taliban and ISIS through suicide bombers and land-mine attacks remained as a major concern. As a result of the conflict, thousands of families and individuals have become displaced and have a deplorable living condition. It reported that the government has failed to provide adequate social services, accommodation and jobs.[4]

5. AIHRC recommended to ensure its budget and staff security and AIHRC recommendations are implemented. Similarly, AIHRC recommended to provide support for civil society organizations, human rights defenders, the media and freedom of expression should be explicitly addressed and strengthened through the adoption of specific policies and procedures.[5]

6. AIHRC observed that because of war and insecurity, the right to life was seriously threatened and endangered in various forms and at high levels. Disregard to applicable humanitarian and human rights laws by parties to the conflict in Afghanistan has caused civilian casualties. Based on the findings of the AIHRC, the number of civilians' killed during 2017 was 3,368. Thus, there are 26 deaths and injuries per day. The total number of civilian casualties during the 2014-2017 increased to 34,639. The perpetrators of 69.8 percent of the total civilian casualties are anti-government armed groups, while 10.7 percent are government forces and pro-government international military forces and 19.5 percent of the perpetrators, have not been identified yet.[6]

7. AIHRC reported that corruption is a major challenge for people to enjoy human rights and peace. It recommended to find out the weak points and deficiencies of the fight against corruption, and create a mechanism to fight it transparently, effectively, seriously, sincerely in a nonselective manner. It urged the government to be responsible for fulfilling its human rights obligations and make its efforts to ensure the citizens' security and welfare, through rule of law, good governance, capacity building and supporting of defense and security forces, and eliminate discrimination against women, and ethnic and linguistic groups.[7]

8. AIHRC noted that the government has been unable to address impunity and effectively and adequately process and redress people's complaints of violations of their human rights by powerful people and government officials. AIHRC has registered 18,433 complaints of human rights violations during 2014-2017. It recommended the government to effectively end the culture of impunity and maintain its commitments to the values of the Constitution and its international obligations, and prosecute the perpetrators and bring them to justice.[8] AIHRC's inquiry in 2017 on citizens' access to justice and the judicial organs revealed that about 16.6 percent of the primary court in 25 provinces are virtually inactive due to the insecurity and local domination of the anti-government armed groups. In most of Afghanistan's provinces, citizens did not have access to police offices, and pursuing of cases by the police has been faced with serious challenges and obstacles, and thus ensuring security and justice for citizens was also faced with difficulties.[9]

9. AIHRC recommended the government embark on and implement effective policies on reducing poverty, and unemployment. The implementation of the 2030 agenda, Sustainable Development Goals must be seriously become a priority to the government.[10]

10. AIHRC noted that violence against women is one of the most serious violations of human rights. During 2014-2017, AIHRC registered, investigated and followed around 19,920 cases of violence against women and referred them to the relevant legal entities. Out of these cases, 845 cases were cases of women who were murdered. The real statistics of women's violence and murders are much higher. The prosecution and punishment of perpetrators of violence against women by government agencies, as well as the implementation of the EVAW Law and the Law for the Prevention of the Sexual Harassment against Women and Children have been ineffectively done and challenges remained unchanged. Statistics showed that the government and the law enforcement

agencies have failed to properly and timely investigate cases of violence against women and cases of murder. AIHRC attributed that insecurity, corruption, the increased culture of impunity, lack of rule of law, the spread of harmful custom and tradition in society, lack of awareness of people of the law and human rights, poverty and economic problems are among the factors of violence against women which have not been adequately and practically addressed by the government. AIHRC reported that Taliban also continued to commit killings and extra judicial and arbitrary punishment of women in the area of under their control.[11] AIHRC recalled that under Resolution 1325 and the SDGs, the government has to accelerate the process of gender mainstreaming in the departments. It recommended that the government seriously consider women in the peace process and have a transparent stand in this regard.[12]

11. AIHRC reported on the challenges facing children rights, despite commitments to the observance and implementation of a number of documents and conventions on the rights of the child. AIHRC investigations showed that many children are deprived of their human rights and suffer of doing hard works and exposed to inappropriate environmental working conditions. AIHRC observed that involvement of children in wars and conflict is one of the worst cases in Afghanistan. Family pressure, economic problems and the need for employment, religious reasons and pressure from the armed forces have been the reasons for joining the military. AIHRC's national inquiry in 2017, showed 13 percent of children have been sexually assaulted, 44 percent have experienced physical violence and 44 percent mental violence. Early marriages of children under the age of 15, despite its legal prohibition, remained a major challenge for children. The numbers of the victims of early marriage is higher as many victims do not have the ability, awareness, facilities and the opportunity to refer to relevant institutions for filing a case. The main reasons for underage marriage, the victim of which is generally girls, are social, cultural and economic factors, as well as informal justice problems.

12. AIHRC reported that currently, 45 percent of all schools have non-standard buildings. According to the Ministry of Education, in 1396 (2018), about 1050 schools have been closed or remained inactive in the country due to the threats of anti-government armed groups. The level of suffering and deprivation of IDP children, returnees, children with disabilities and Sikh minorities of the right to education is likely more serious and deplorable. It recommended paying more attention to the realization of the right to education and adopt protective laws and mechanisms to protect vulnerable children, children with disabilities and those who are exposed to hard works. They recommended that the government provide shelters for children with intellectual/mental disabilities.[13]

13. AIHRC reported the deterioration of economic situation and the war resulting in the displacement of people, brain drain, the vulnerability of the poorest families and the increase in social and economic inequalities. They considered that the government has been unable to ensure citizens' security which became widespread, serious and desperate. Insecurity, threats, suicide, explosions, arbitrary murders, weaknesses of the rule of law, impunity from punishment and corruption have caused people to be in fear and panic in their everyday life.[14]

III. Information provided by other stakeholders

A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

14. ICAN appreciated Afghanistan's voting in favour of the adoption of the UN Treaty on the Prohibition of Nuclear Weapons and recommended signing and ratifying it as a matter of urgency.[17]

15. HRW noted that during Afghanistan's second UPR cycle, it indicated that it will consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. HRW also observed that as of July 2018, the government had not extended an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It recommended inviting the Rapporteur to visit.[18] JS1

recommended extending invitations for visits to the Special Rapporteurs on: 1) the situation of human rights defenders; 2) the promotion and protection of the right to freedom of opinion and expression; 3) the rights to freedom of peaceful assembly and of association; 4) the Independence of Judges and Lawyers; 5) extrajudicial, summary or arbitrary executions; 6) the rights to privacy and 7) Working Group on Arbitrary Detention.[19]

16. JS1 recommended to submit its long-overdue report on ICCPR and ensure meaningful civil society consultation in the preparation of that report.[20]

17. JS1 recommended to present a midterm evaluation report to the Human Rights Council on the implementation of the Universal Periodic Review (UPR) recommendations of this session.[21]

B. National human rights framework[22]

18. JS1 recommended to implement transparent and inclusive mechanisms of public consultations with CSOs and enable more effective involvement of civil society in the preparation of law and policy; Ensure the meaningful participation of CSOs in the UPR process before finalising and submitting the national report; Systematically consult with civil society on the implementation of UPR; and incorporate the UPR outcomes in its action plans for the promotion and protection of all human rights.[23]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Human rights and counter-terrorism[24]

19. HRW noted that while the government has fulfilled its obligation to bring national legislation into conformance with the Convention against Torture, incorporating the crime of torture in domestic law, it has not enforced the law. However, amendments to the Criminal Procedure Code allow security personnel to hold suspects accused of terrorist crimes and crimes against internal and external security for up to 70 days without requiring those suspects to be brought before a judge. Such provisions increase the risk of torture.[25]

2. Civil and political rights

Right to life, liberty and security of person[26]

20. HRW noted that since Afghanistan's last UPR in 2014, the human rights situation has deteriorated, as fighting has intensified between government forces and insurgent groups. Civilian casualties have steadily increased. In 2013, at least 8,638 civilians were killed or injured; in every year since, civilian casualties have surpassed 10,000.[27]

21. HRW noted that Afghan special police have carried out forced disappearances and summary executions with impunity. It documented summary executions of civilians by NDS special police units in Nangarhar, Kabul and Kandahar. It received reports that other ANSF special forces, including the Khost Protection Force, have been responsible for extrajudicial executions of civilians. It noted that the government has continued to rely on militia forces, some of which have killed and assaulted civilians. It reported that the Afghan security forces have been complicit in the sexual exploitation and recruitment of children, and as with other kinds of abuse, and failed to hold perpetrators accountable. It recommended Afghanistan to promptly and thoroughly investigate all allegations of torture, enforced disappearances, and summary executions and appropriately prosecute all those found responsible for committing, ordering, or acquiescing in these crimes. HRW recommended enforcing the existing legal prohibitions on the use of coerced confessions in judicial proceedings and take appropriate disciplinary action against prosecutors and judges who permit their use; provide compensation for all victims of torture; promptly and

thoroughly investigate all allegations of and appropriately prosecute all those found responsible for the recruitment and sexual exploitation of children.[28]

Administration of justice, including impunity, and the rule of law[29]

22. HRW was concerned that impunity remained the norm among the country's security forces. They noted that despite establishing human rights units in the relevant agencies and reformed the law, but it has not prosecuted any ANP, ALP or NDS officials for torture. During its second UPR, Afghanistan accepted three recommendations focused on amending the government's amnesty law and ending impunity, urging the government to prosecute officials implicated in unlawful violence and to put an end to impunity. They observed that the government has made no progress on any of the areas to allow for prosecutions of certain crimes; remedy past human rights violations and release the Human Rights Commission's conflict mapping report. It recommended repealing the National Stability and Reconciliation Law and take action to end impunity for war crimes and crimes against humanity; impartially investigate and appropriately prosecute crimes against humanity and war crimes in Afghanistan's national courts; publish the Conflict Mapping Report, and create an appropriate transitional justice mechanisms and ensure full cooperation with the ICC.[30]

Fundamental freedoms and the right to participate in public and political life[31]

23. ADF International observed that a widespread harassment and intimidation of religious minorities is rampant by the local population and government. Radical religious terrorist groups have been targeting religious minorities. Reports of detentions, abductions, and even deaths motivated by religious animus are numerous. ADF International recommended that Afghanistan ensure freedom of religion or belief, both in law and in practice, and root out all cases of religious persecution and exploitation of laws against members of religious minorities and to prosecute and punish all cases of religiously-motivated violence against individuals and property to eliminate the occurrence of such atrocities.[32]

24. ADF International reported that Afghanistan has strict blasphemy laws, and laws are often exploited and deliberately misused against Christians. Individuals charged with blasphemy are often subject to vigilantism in the form of harassment and physical attacks. Most Christians go into hiding or leave Afghanistan for the sake of their privacy and for the physical safety of themselves and their families. It recommended repealing all apostasy and blasphemy laws and ensure and safeguard the rights to freedom of opinion and expression as required under international law, and release and/or grant relief and protection to individuals whose rights have been violated by these laws.[33]

25. CPJ ranked Afghanistan as the seventh in CPJ's 2016 Impunity Index, which highlights where journalists are killed and their killers go free. It recognized that Afghanistan has a vibrant private, independent media sector that bravely reported on the difficult security situation facing Afghanistan and applauded the fact that this has been possible only with the toleration and support of Afghanistan's national government. Nonetheless, the media's ability to report the news has been heavily compromised by repeated deadly attacks from militant groups. While those attacks stem from Afghanistan's long-running civil war, CPJ believed that more can be done to pursue those who plan and execute crimes against journalists and to bring them to justice. Putting an end to impunity for such crimes would mark an important step in the enhancement of safety for journalists and media workers, and further guarantee freedom of the press. They were concerned that journalists in Afghanistan continue to operate in one of the most dangerous and deadly places in the world, and have been frequent targets by non-state actors.[34] HRW also observed that attacks on journalists have increased since the previous UPR, despite the government vowing to investigate all cases of threats and violence by security personnel, members of parliament and other officials, and in some cases has launched investigations, but it consistently failed to prosecute the perpetrators.[35]

26. JS1, HRW and CPJ noted that under the 2nd UPR cycle, Afghanistan accepted two recommendations relating to the freedom of expression and access to information, and investigate and prosecute all cases of violence against journalists but it failed to investigate

and prosecute dozens of cases of violence against journalists by security forces or hold perpetrators accountable. They recommended Afghanistan to promptly, effectively and impartially investigate all attacks on journalists and news organizations, and ensure that any officials or security force personnel found responsible for obstructing, abusing, or assaulting journalists are appropriately disciplined or prosecuted; enhance safety measures for journalists and news organizations that have come under threat from non-state actors and provide protection when needed and ensure that no government entity endorses the restriction of freedom of press in any way whatsoever.[36]

27. JS1 additionally recommended to ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards; ensure that journalists and writers may work freely and without fear of retribution from state and non-state actors for expressing critical opinions or covering topics that the government may find sensitive; adopt a framework for the protection of journalists from violent attack, persecution, intimidation and harassment; implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices; refrain from censoring the media and ensure that adequate protections are put in place which prevent state and non-state groups from exercising pressure over the media which results in censorship; Government officials, and especially those occupying the highest public offices, should refrain from insulting or carrying out smear campaigns targeted at journalists and human rights defenders and refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts.[37]

28. JS1 noted that access to information is also sometimes impeded on national security grounds. At least 51 percent of cases of violence and threats against journalists were perpetrated by armed groups, with the so-called Islamic State (Da'esh) and the Taliban, while the Government was responsible for 34 percent of them.[38]

29. HRW noted that journalists have reported that the government has failed to fully implement the Access to Information Law, making it difficult and dangerous for the media to obtain information from public officials. It recommended Afghanistan to fully implement the Access to Information Law.[39]

30. JS1 was deeply concerned that continued insecurity has resulted in the closure of space for civil society, including through targeted attacks on humanitarian workers, protesters and journalists. JS1 noted that during the 2nd UPR cycle, the Government accepted all four recommendations relating to civil society space with only two recommendations that were partially implemented while it failed to implement the other two. JS1 acknowledged that the government introduced some positive amendments to laws related to civil society in recent years, and enacted an Access to Information Law since the last review, but CSOs and HRDs still face serious risks in carrying out their work, while recognising that the continuing actions of violent non-state actors including the Taliban have largely contributed to this failure. They called on the government to do more to ensure the protection of CSOs, HRDs, protesters and journalists. JS1 also observed that Afghanistan accepted both recommendations under Afghanistan's previous UPR, the government received two recommendations on the protection of HRDs, journalists and civil society representatives. However, conditions for HRDs in Afghanistan remained perilous as they face constant threats to their life and security particularly women HRDS (WHRDs). While the government itself is not directly responsible for most of the attacks, the state has failed to ensure adequate protection for HRDs and they have also been implicated in attacks on CSOs since the last UPR review. JS1 recommended the government to ensure that civil society members, journalists and HRDs are provided with a safe and secure environment in which to carry out their work; conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice; recognise the specific situation of WHRDs, including the heightened risk of sexual assault, threats and harassment that they face; publicly condemn instances of harassment and intimidation of CSOs, civil society activists and HRDs; systematically apply legal provisions that promote and protect human rights; and establish mechanisms that protect human rights activists by adopting a specific law on their protection.[40]

31. JS1 noted that despite the generally enabling nature of these two overarching laws on Non-governmental Organizations (NGO Law) 2005 and the Law on Associations as amended in December 2017, subsidiary regulations mean that CSOs in Afghanistan are sometimes subjected to invasive supervisory oversight. CSOs in Afghanistan are also subject to additional and burdensome bureaucratic obstacles provided for in the laws governing civil society. JS1 recommended the government to guarantee freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect, particularly humanitarian CSOs working in areas where there are active armed conflicts; undertake thorough and independent investigations into all attacks against humanitarian aid workers, including into the 2015 attack on the MSF Hospital in Kunduz and the 2016 raid on the SCA-supported hospital in Wardak province; reduce the bureaucratic burden placed on CSOs; end unwarranted raids on civil society groups and unjustifiable disruptions to legitimate events and activities organised by CSOs and refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and promote a meaningful political dialogue that allows and embraces diverging views, and in particular those of WHRDs.[41]

32. JS1 noted that the right to gather and hold peaceful demonstrations for attaining legitimate and peaceful objectives is protected by the Constitution. However, in practice and policy the right is impeded through a combination of regulatory and security restrictions. Although citizens can exercise their right to peaceful protests, in some cases, police use excessive force and arrests, or protests may be infiltrated by armed groups who turn protests violent. JS1 called on the Government to create and maintain, in law and in practice, an enabling environment for civil society. JS1 recommended the government to adopt best practices on the freedom of peaceful assembly, to ensure that proposals to tighten laws on the freedom of peaceful assembly, which were defeated earlier in 2018, are not brought back under a new name or a different process. They also recommended to immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces, including while monitoring protests and demonstrations. JS1 urged Afghanistan to review and, if necessary, update existing human rights training for police and security forces to foster the more consistent application of international human rights standards and publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, and bring the perpetrators to justice and provide effective remedy, and refrain from threats and interference connected with peaceful assemblies conducted by opposition political groups and ensure that the right to freedom of peaceful assembly is extended, without discrimination, to all groups in Afghanistan.[42]

3. Economic, social and cultural rights

Right to education[43]

33. ODVV noted that one of the outcomes of the spread of war and conflict is the restriction of the right to education. As a result of increased insecurity, hundreds of schools have closed and many children that include two-thirds of girls have been deprived of education. In spite of improvement in access to education, in some areas, security concerns and social traditions are still major obstacles in the way of girls' access to education. In parts of the country where children can attend school, there are not enough available facilities. Altogether 41 percent of schools do not have a building. And the distance between where many of these children live from school is so long that they are not able to attend classes in schools. The lack of standard schools and the long distance alongside cultural issues and insecurity have great impacts on the deprivation of girls from education. ODVV recommended to guarantee the right to education and allocate an inclusive budget for education for all its citizens, equally and without discrimination based on gender, religion, race and ethnicity.[44]

4. Rights of specific persons or groups

Women[45]

34. HRW noted that violence against women, including rape, murder, mutilation and assault is widespread, and the perpetrators are rarely brought to justice. In the 2014 UPR, the Afghanistan delegation accepted numerous recommendations on improving implementation of the 2009 Law on the Elimination of Violence Against Women (EVAW law), including the measures recommended to Afghanistan by the Committee on the Elimination of Discrimination against Women in July 2013. During the review, the Afghan delegation committed to implement the EVAW law, and that perpetrators of violence against women would be prosecuted and punished. However, HRW found that Afghan women seeking justice after facing violence continue to face formidable obstacles. Afghan authorities routinely turn victims away or pressure them to accept mediation. Mediation does not provide justice to female victims of serious crimes, offering victims only a promise from her abuser not to repeat the crime. In some case, mediators themselves inflict abuse, for example by ordering girls or women to be given as compensation for murder, forcing women and girls to marry men who raped them, or excusing murder in the name of "honor." Afghan police and prosecutors continue to jail women and girls for on charges of "moral crimes" that include "running away" from home, and committing or attempting to commit sexual intercourse outside marriage "zina", or having sex outside of marriage. Rape victims can be charged with "zina" and imprisoned. These girls and women are subjected to invasive vaginal and anal examinations performed by Afghan government doctors, sometimes repeatedly on the same girl or woman including young girls. Afghan officials claimed that the government had since banned the examinations, but officials have told HRW that the practice remained widespread, and many judges, prosecutors, and police officials told them that they routinely order "virginity tests." HRW recommended to promptly investigate and appropriately prosecute cases of violence against women, including so-called "honor killings" and EVAW institutions should refer criminal offenses of violence against women to the criminal justice system, not to mediation or traditional dispute resolution mechanisms; take disciplinary action against EVAW judges and prosecutors who seek mediation in criminal cases; end the abusive practice of "virginity examinations," and discipline police, prosecutors and judges who order them; enforce the Supreme Court ruling decriminalizing "running away" and discipline police, prosecutors and judges who continue to prosecute and imprison girls and women on such grounds.[46]

35. ODVV also noted that one of the most serious human rights violations in Afghanistan is violence against women, particularly girls. In 2017 there were 4340 cases of violence against 2286 women. This is while in the previous year there were approximately 2046 reported cases of violence against women. These figures indicate that not only violence against women in Afghanistan has not dropped, but the abuses have increased. There have also been report of 277 women being murdered, while only 40 of them have been prosecuted. This shows a weakness in enforcing the law, additionally, victims' families' were reluctant to file a complaint against perpetrators of crimes. ODVV was also concerned that the government has still not taken any practical action against forced marriage of girls and or legally underage marriages. ODVV recommended monitoring the application of existing laws and adopting tough laws to punish perpetrators, which can reduce the rising trend of violation of women and girls' rights.[47]

36. HRW noted that the number of girls in school is falling due not only to insecurity, but to discriminatory practices, lack of female teachers, and schools that lack boundary walls and toilets. In the second UPR cycle, eight recommendations urged the Afghan government to ensure equal access to education for women and girls. Girls currently represented about 40 percent of the nearly 9 million children attending school in Afghanistan. By 2018, those percentages have fallen, and the situation for girls' education is getting worse. For the first time since 2002 the number of Afghan children studying is falling. HRW report found that while deteriorating security is a significant barrier to girls' education, girls were at increasing risk of missing school due to discrimination against girls within the school system, child marriage, lack of female teachers; and lack of facilities including boundary walls and toilets. The Afghan government has 5,260 boys' schools but only 2,531 girls' schools, and 60 percent of Afghan government schools have no toilets,

which deters girls, especially those who have begun menstruation, from attending school. It recommended taking concrete steps to realize the right to primary and secondary education for girls by ending discriminatory practices; recruiting more female teachers and providing financial incentives to encourage female teachers to work in underserved areas; and ensuring that all schools have adequate boundary walls, toilets, and access to safe water and promptly implement the National Action Plan to end child marriage.[48]

Children[49]

37. HRW recommended Afghanistan to promptly implement the National Action Plan to end child marriage.[50]

38. GIEACPC noted that corporal punishment in Afghanistan is prohibited in schools but it is still lawful in the home, in alternative care and in some day care settings, in penal institutions and as a sentence for a crime. It hoped that the Working Group will raise the issue during the review in 2019 and will note with concern the legality of corporal punishment of children in Afghanistan. It urged States to recommend Afghanistan to enact legislation to explicitly prohibit corporal punishment of children in all settings, including in the home and as a sentence for a crime under religious law, and repeal all legal defences for its use, including in the Shi'a Personal Status Law 2009.[51]

Minorities and indigenous peoples[52]

39. ODVV noted that over successive decades the Sh'ia in Afghanistan have been attacked in various ways and these attacks increased in 2017, to an extent that in the beginning of last year 1700 people lost their lives in extremist terror groups attacks alone, most of the victims being Afghan Shi'a minorities. ODVV stated that the targeted armed attacks against the Hazara began in 2014 and in 2016 the attacks reached their highest peak. "The main target of these attacks have been a specific ethnic or religious group, the Shi'a Hazaras." Also Shia religious ceremonies and their mosques have been target of terror attacks. One of the characteristics of the Afghan society is its ethnic and religious tapestry structure. Multi-ethnicity, multi-lingual and multi-religious sects are the main components of the national identity in Afghanistan. Therefore it recommended Afghanistan to understand these characteristics and adopt suitable measures in this regard, this can help nation and government building processes and create a collective identity. It called upon the Afghan government, while creating conditions for further participation of ethnic and religious minorities in the power structure of the country, to make further efforts to protect the rights of these groups.[53]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
CPJ	Committee to Protect Journalists, New York (United States of America);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRW	Human Rights Watch, New York (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons (ICAN) Geneva (Switzerland);
ODVV	Organization for Defending Victims of Violence, Tehran (Iran (Islamic Republic of)).

Joint submissions:

JS1	**Joint submission 1 submitted by**: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Afghanistan Human Rights Organization (AHRO), Kabul

	(Afghanistan), People's Action for Change Organization (PACO) Kabul (Afghanistan) and Civil Society and Human Rights Network (CSHRN), Kabul (Afghanistan).
National human rights institution:	
AIHRC	Afghanistan Independent Human Rights Commission (AIHRC), Afghanistan.

[2] AIHRC, p. 2.
[3] AIHRC, p. 3.
[4] AIHRC, p. 3.
[5] AIHRC, p. 8.
[6] AIHRC, p. 6-7.
[7] AIHRC, p. 7.
[8] AIHRC, p. 3 and 7.
[9] AIHRC, p. 6.
[10] AIHRC, p. 8.
[11] AIHRC, p. 4-5.
[12] AIHRC, p. 8.
[13] AIHRC, p. 5-6 and 8.
[14] AIHRC, p. 4.
[15] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[16] For relevant recommendations see A/HRC/26/4, paras. 136.4-7, 136.12, 136.19-136.20, 136.22-136.23, 136.171, 137.1-137.9, 137.20, 137.22-137-29, 138.5 and 138.7.
[17] ICAN, p. 1.
[18] HRW, p. 2-3.
[19] JS1, p. 15.
[20] JS1, p. 15-16.
[21] JS1, p. 15-16.
[22] For relevant recommendations see A/HRC/26/4, paras. 136.1-136.3, 136.8-136.11, 136.13, 136.38-136.39, 136.45, 136.89, 136.91, 136.119-136.119, 136.172-136.177, 137.10 and 137.21.
[23] JS1, p. 15-16.
[24] For relevant recommendations see A/HRC/26/4, paras. 136.81.
[25] HRW, p. 2.
[26] For relevant recommendations see A/HRC/26/4, paras. 136.49, 136.82-136.84, 136.118, 137.11 and 138.1-138.10.
[27] HRW, p. 1.

[28] HRW, p. 1-3. See recommendations A/HRC/26/4, paras. 137.31 (Denmark); 136.82 (Italy); and 137.17 (Germany).
[29] For relevant recommendations see A/HRC/26/4, paras. 136.14-136.15, 136.17, 136.46-136.48, 136.85, 136.103, 136.105-136.106, 136.166-136.168 and 137.13-137.19.
[30] HRW, p. 5-6. See recommendations A/HRC/26/4, paras. 136.103 (Belgium); 137.15 (Sweden); 137.16 (Morocco); and 137.18 (Netherlands).
[31] For relevant recommendations see A/HRC/26/4, paras. 136.61-136.63, 136.77-136.80.
[32] ADF International, p. 1-4 and 6-7.
[33] ADF International, p. 4-5 and 7.
[34] CPJ, p. 2 and 4.
[35] HRW, p. 5.
[36] JS1, p. 9 and 14, CPJ, p. 2 and 4 and HRW, p. 5. See also A/HRC/26/4, recommendations Nos. 136.77 (Belgium), 136.78 (Belgium), 136.79 (Lithuania), 136.80 (Maldives), 136.103 (Belgium), 136.106 (Argentina), 136.15 (Singapore), and 136.81 (Sri Lanka).
[37] JS1, p. 9 and 14.
[38] JS1, p. 9 and 14.
[39] HRW, p. 5.
[40] JS1, p. 3, 7-8 and 13.
[41] JS1, p. 4-6 and 12-13.
[42] JS1, p. 11 and 14-15.
[43] For relevant recommendations see A/HRC/26/4, paras. 136.18, 136.28, 136.30-136.31, 136.37, 136.42, 136.44, 136.51, 136.65-136.68, 136.70, 136.86-136.88, 136.94-136.95, 136.107-136.110, 136.113, 136.170, 136.173 and 136.178.
[44] ODVV, p. 5-6.
[45] For relevant recommendations see A/HRC/26/4, paras. 136.21, 136.24, 136.31, 136.51-136.60, 136.69-136.76, 136.88, 136.90, 136.92-136.97, 136.99-136.102, 136.111, 136.131-136.165, 136.178, 137.13-137.14 and 138.12.
[46] HRW, p. 3-4. See also A/HRC/26/4, para. 137.7 (Mexico).
[47] ODVV, p. 3-4.
[48] HRW, p. 1 and 4. See also A/HRC/26/4, paras. 136.178 (Bhutan), 136.94 (Chile), 136.110 (Croatia), 136.70 (Djibouti), 136.85 (Ecuador), 136.86 (Mexico), 136.87 (Portugal), and 136.88 (Switzerland).
[49] For relevant recommendations see A/HRC/26/4, paras. 136.16, 136.21, 136.25, 136.27, 136.31, 136.37, 136.50, 136.57, 136.65, 136.67, 136.75-136.76, 136.95, 136.100, 136.102 136.107-136.112, 136.114-136.117, 136.130, 136.155, 136.158-136.160, 136.165, 136.169, 137.2 and 137.32.
[50] HRW, p. 1and 4.
[51] GIEACPC, p. 1-2. See also A/HRC/26/4, Report of the working group, paras. 136(1), 136(3), 136(4), 136(5), 136(6), 136(7), 136 (107), 136(108), 136(109), 136(112) and 136(130).
[52] For relevant recommendations see A/HRC/26/4, paras. 136.61.
[53] ODVV, p. 4-5.